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Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1442nd Meeting
Monday, 10 July 1995, 10 a.m.
New York

Acting Chairman: Mr. Bangura ..... (Sierra Leone)

The meeting was called to order at 10.40 a.m.

Statement by the Chairman

The Chairman: The Subcommittee on Small Territories, Petitions, Information and Assistance completed its work last month, and I should like to highlight some of the major initiatives undertaken during its 1995 session.

This year, the Subcommittee consolidated its work into two weeks, with meetings held daily, and the working papers prepared by the Secretariat were shorter and more concise than in the past. In order to streamline its work and to economize on time and resources, the Territories were considered *en bloc*, and this new approach resulted in lively deliberations and appeared to encourage a better attendance than last year. The Subcommittee was also able to come up with shorter and more focused resolutions. The Subcommittee also decided this year to adopt draft resolutions, instead of draft decisions, on Pitcairn and St. Helena, for the sake of uniformity. The Subcommittee issued a consolidated report (A/AC.109/L.1829) containing its consideration of each of the 12 Non-Self-Governing Territories, as well as its consideration of the question of the dissemination of information on decolonization.

It should also be noted that the members of the Subcommittee expressed the need to receive up-to-date information on the future political status of the Non-Self-Governing Territories from the administering Powers, as well as to send visiting missions to the Territories.

Report of the Subcommittee on Small Territories, Petitions, Information and Assistance (A/AC.109/L.1829)

Questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, Turks and Caicos Islands and United States Virgin Islands

Question of dissemination of information

The Chairman: To introduce the report of the Subcommittee on Small Territories, Petitions, Information and Assistance, I call on the Rapporteur of the Subcommittee, Ms. Cecilia Mackenna of Chile.

Ms. Mackenna (Chile), Rapporteur of the Subcommittee on Small Territories, Petitions, Information and Assistance *(interpretation from Spanish)*: In my capacity as Rapporteur of the Subcommittee on Small Territories, Petitions, Information and Assistance, I have the honour to introduce for adoption by the Special Committee the report of the Subcommittee on the agenda items allocated to it during the current session. As the Chairman has already indicated, this year it was decided to consolidate four reports into a single report, and the Subcommittee's proposals on the questions of Pitcairn and St. Helena have been incorporated into the main body of the report as draft resolutions rather than draft decisions.

The report has been divided into three sections, the first covering consideration of the Territories of

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American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, Tokelau, Turks and Caicos Islands and United States Virgin Islands. The Subcommittee considered the Territories *en bloc* at its 688th to 694th meetings, between 22 May and 1 June 1995.

Section I, Part A, of the report, entitled "Consideration by the Subcommittee", provides an overview of discussions held by the Subcommittee during its 1995 session. The text of the consolidated draft resolution on these Territories is contained in Section I, Part B; and Part C contains a draft resolution on each Territory.

Section II of the report concerns the question of dissemination of information on decolonization, which was considered by the Subcommittee at its 692nd to 694th meetings, on 30 and 31 May and 1 June 1995. Part A contains a brief introduction, and Parts B and C contain summaries of the statements by the representative of the Department of Public Information and the representative of the Department of Political Affairs. Part D covers the issue of the Week of Solidarity with the Peoples of All Colonial Territories, Fighting for Freedom, Independence and Human Rights. The draft resolution on dissemination of information on decolonization is contained in Part E of this section.

On 6 June 1995, at its 695th meeting, the Subcommittee adopted the draft resolutions by consensus, as well as the conclusions and recommendations contained in the report. The conclusions and recommendations were arrived at during consultations which took place at a number of formal and informal meetings.

Requests for hearing

The Chairman: Before the Committee takes up the report of the Subcommittee, I wish to draw the attention of members to the requests for hearings, distributed in *aides-mémoire* 5/95 to 8/95 and 13/95 to 14/95, relating to East Timor, Western Sahara, New Caledonia, the Falkland Islands (Malvinas) and Gibraltar.

First, we shall take up the requests for hearing on the question of East Timor contained in *aide-mémoire* 5/95 and Add.1.

May I take it that the Committee agrees to accede to these requests?

It was so decided.

The Chairman: We shall next take up the request for hearing on the question of Western Sahara contained in *aide-mémoire* 6/95.

If there are no objections, may I take it that the Committee agrees to accede to this request?

It was so decided.

The Chairman: We shall next take up the request for hearing on the question of New Caledonia contained in *aide-mémoire* 7/95.

If there are no objections, may I take it that the Committee agrees to accede to this request?

It was so decided.

The Chairman: We shall next take up the requests for hearing on the question of the Falkland Islands (Malvinas) contained in *aide-mémoire* 8/95.

If there are no objections, may I take it that the Committee agrees to accede to these requests?

It was so decided.

The Chairman: We shall next take up the request for hearing on the question of Gibraltar, contained in *aide-mémoire* 13/95.

If there are no objections, I shall take it that the Committee agrees to accede to this request.

It was so decided.

The Chairman: The Committee will now consider the report of the Subcommittee in document A/AC.109/L.1829. Are there any comments on the report?

Mr. Chtcherbak (Russian Federation) (*interpretation from Russian*): My delegation wishes to propose that the question of the consideration of the report be postponed until the report on the seminar that took place in Trinidad and Tobago is available so that, when this matter is reviewed, account can be taken of the results of the seminar, which have a direct bearing on the subject under discussion today.

As far as our delegation is aware, the report on the seminar is almost ready. It just needs to be translated from English into the other languages, and it has not yet actually been circulated as an official document. So as to expedite work on this question, my delegation would like to request the Secretariat to circulate the report on the seminar in English, in the form in which it is now available, so that we can promptly consider all questions in the course of our work. We would then be in a position to consider the question of the report itself and the consolidated draft resolution immediately thereafter.

The Chairman: We have heard a proposal by Russia for a postponement of the consideration of the report until the seminar report is out. I just wish to point out that the Secretariat has informed me that the seminar report will be out today. I also wish to notify members that it has been agreed by the Bureau that the report will appear only in English. No translations will be undertaken.

Are there any other comments?

Mr. Viswanathan (India): I just wanted to voice my support for the Russian Federation's proposal to postpone the consideration of the Subcommittee's report. Since we have just come back from the seminar with new ideas and perceptions and so on, this would give us more time to look at the Subcommittee's report. I think it would be useful to postpone consideration for the time being.

Mr. Samana (Papua New Guinea): I should like to echo the views expressed by my colleagues from the Russian Federation and India on postponing this item in order to allow discussion of the report of the seminar, which will indeed provide some useful information that will assist us in the course of our meetings at this session of the Special Committee.

I should also like to take this opportunity to congratulate you, Mr. Chairman, on your assumption of the task of chairing this session, particularly in view of the sudden departure of Ambassador Pursoo. Having been associated with you for some time, I am confident that your leadership capabilities and wisdom will guide us throughout this session. Papua New Guinea will give you its fullest support as we go about our work in discussing and assessing the important issues of decolonization before us.

I also wish to take the opportunity to offer my delegation's sincere regrets that Ambassador Pursoo was unable to complete his tenure as Chairman of the Special Committee because of his early recall by his Government.

Mr. Chairman, I wish you the best of luck.

The Chairman: I thank the representative of Papua New Guinea for the kind words he addressed to me and, of course, for the sentiments he expressed in respect of Ambassador Pursoo, which, I am sure, all of us share. We do wish him well.

I take it that it is the general wish that we postpone consideration of the report until after the seminar report has been issued.

It was so decided.

Question of sending visiting missions to Territories (A/AC.109/L.1831 and L.1832)

The Chairman: I wish to draw the Committee's attention to the report relating to the question of sending visiting missions to Territories, which is contained in document A/AC.109/L.1831, giving an account of the consultations held by the Chairman with the representatives of the administering Powers concerned. Members also have before them, in document A/AC.109/L.1832, a draft resolution on the item.

If no member wishes to speak on this item, I shall take it that the Committee is prepared to adopt the draft resolution contained in A/AC.109/L.1832 without a vote.

Mr. Viswanathan (India): I was not aware that we were going to adopt the draft resolution. I thought it was going to be discussed in the Working Group.

I was wondering, if other colleagues agree, if we could include in this draft resolution the proposal which was reflected in the report of the Subcommittee — namely, that the Committee could send a visiting mission to Bermuda, where there is going to be a referendum shortly. I think it would be useful if that could be reflected in this text, since the referendum is coming up soon.

The Chairman: The representative of India has suggested the inclusion of a visiting mission to Bermuda. Are there any comments?

Mr. Samadi (Islamic Republic of Iran): First of all, I congratulate you, Sir, on your chairmanship of the

Committee, and I wish you luck. We are confident that under your leadership we can succeed in our work.

Since we have discussed in the Subcommittee the proposal regarding the upcoming referendum in Bermuda made by our colleague from India, and we decided in the Subcommittee to include it in the report, I should like to support the idea of referring to that in the draft resolution that we are going to adopt within the main Committee. I would like to support the idea of our Indian colleague.

Ms. Yao Yuhua (China) (*interpretation from Chinese*): First of all, I should like to take this opportunity to congratulate you, Sir, on your assumption of the chairmanship of this Committee. I believe that your experience and leadership will ensure the success of this session. The Chinese delegation will, as always, give you and this Committee our full support.

Having said this, I should like to support the proposals made by the representatives of India and the Islamic Republic of Iran. We believe that the question of sending a visiting mission to Bermuda and the decision on that question should be included in the report of the Subcommittee.

Mrs. Khan-Cummings (Trinidad and Tobago): I too should like to congratulate you, Sir, on your appointment to chair this Committee, and I assure you of my delegation's support during the course of our work. I wish also to support the recommendations of my colleagues from India and China on making mention of the visiting mission to Bermuda to observe the referendum.

The Chairman: I have been informed that we must make a distinction between the usual practice of sending visiting missions and sending a mission to observe a referendum. I myself do not quite understand this distinction, but the Committee may wish to note that the proposal that has been made should be considered under another item, not the one we are currently dealing with.

Mr. Viswanathan (India): I agree that we should be scrupulous in following the correct procedure, but I see that in the Annex to the report on the question of sending visiting missions to Territories (A/AC.109/L.1831), which lists the missions dispatched to various Territories, there is mention of a visiting mission in 1980 to Turks and Caicos Islands to observe the elections. Similarly, there are other references to visiting missions that were dispatched to observe referenda in other Territories, and that is why I thought this could apply here. But we would be willing to go along with whatever procedure is appropriate.

The Chairman: If it is the wish of this Committee, then obviously the proper procedure will be followed, in consultation with the administering Power. I take it that it is the Committee's wish that the question of the mission to Bermuda be included in the Subcommittee's report. If that is so, the procedure of consulting with the administering Power would then be followed. Is that agreed?

Mr. Chtcherbak (Russian Federation) (*interpretation from Russian*): I too should like to support the formulation that you have just proposed, and I should like to inquire if we have already started discussing the draft resolution on this question contained in document A/AC.109/L.1832.

The Chairman: Indeed, I requested earlier that members discuss this question. I stated that representatives had before them document A/AC.109/L.1832, which contains a draft resolution on the item, so the discussion is now under way.

Mr. Chtcherbak (Russian Federation) (*interpretation from Russian*): I have a proposal in this connection concerning the fourth preambular paragraph of the draft resolution. It seems to us that using language to the effect that United Nations visiting missions provide an effective means of assessing the situation in the Territories does not accurately reflect the situation. In the view of my delegation, it would be more appropriate if we were to say that United Nations visiting missions are "a means" — in other words, we would omit the word "effective", because there are many other ways of assessing the situation in the Territories. Furthermore, eliminating this word from the text would in no way weaken the language.

The Chairman: I thank the representation of the Russian Federation for his suggestion to modify the fourth preambular paragraph of the draft resolution contained in document A/AC.109/L.1832 by removing the word "effective", so that the paragraph reads, "provide a means of". If I hear no objection, I shall take it that the removal of the word "effective" is acceptable.

It was so decided.

To be frank, my delegation has doubts about operative paragraph 3 of the draft. I think, given the

situation that has come into being, it is perhaps not a good idea for us to bring such open pressure to bear on the administering Powers. We are not so sure that that will produce a positive effect. I think perhaps it would be wiser for the Committee to confine itself to the language we find in the last preambular paragraph. It seems to me that this might be taken as a constructive step on our part, all the more so since we all understand perfectly well that in the present circumstances the administering Powers are not likely to resume direct participation in the work of our Committee.

But there are other ways of working with them, and those ways are quite well known to the members of the Committee. In the final analysis, our Committee's task is to ensure the practical implementation of decisions in connection with the Declaration on the Granting of Independence to Colonial Countries and Peoples and that should be our focus.

Guided by these considerations, my delegation would propose that operative paragraph 3 be deleted. That would still leave the last preambular paragraph, which reflects with sufficient clarity the Committee's feeling about the need for administering Powers to participate in the work of our Committee and also expresses appropriate regret over the absence of the administering Powers from the work of the Committee.

The Chairman: I thank the representative of the Russian Federation for his suggestion.

Mr. Samana (Papua New Guinea): I do not wish to reopen the debate on a question that has already been decided, namely, the deletion of the word "effective" in the fourth preambular paragraph. But my delegation's understanding is that the word "effective" is intended to relate to the effectiveness of the visiting mission in ascertaining the wishes and aspirations of the people of the Territories. Although the missions may not be the most effective way of assessing the overall situation in the Territories, they are the only means of assessing what the wishes of the people really are. Therefore, while accepting the deletion of the word "effective" from the text as currently drafted, I would suggest that we insert an appropriate formulation to express the idea that visiting missions are an effective means of ascertaining the wishes of the people. Nevertheless, I will accept the decision of the Committee.

The Chairman: When the suggestion was made by the Russian Federation, I asked if there were any objections or modifications to that, and it seemed to me that we had agreed that we would remove the word "effective", as suggested.

Mr. Samana (Papua New Guinea): My delegation will abide by decisions made or adopted by the Committee as a whole.

The Chairman: I thank the representative of Papua New Guinea for his understanding.

Does any delegation wish to comment on the suggestion for the deletion of paragraph 3?

Mr. Al-Attar (Syrian Arab Republic) *(interpretation from Arabic)*: My delegation considers that there is no need to delete paragraph 3, as there is a close relationship between that paragraph and the role of our Committee. The visiting missions remain just as important, and we have to bear in mind the views that were expressed in the course of the three seminars. At the most recent of those seminars, we emphasized the importance of cooperation between the administering Powers and this Committee in order to facilitate the dispatch of visiting missions. My delegation therefore believes that it would not be appropriate to delete the paragraph in question.

Mr. Chtcherbak: (Russian Federation) *(interpretation from Russian)*: I should like to thank the representative of the Syrian Arab Republic for stating his delegation's position on this matter. It seems to me that in his statement he did in fact propose a somewhat flexible and realistic formulation when he placed the emphasis on the need to ensure that the administering Powers cooperate with our Committee. I think it is precisely in that spirit that we should redraft paragraph 3. That is a first alternative that we would now like to propose.

A second possibility would be to transfer the idea put forward by our colleague from the Syrian Arab Republic to the end of the final preambular paragraph of this draft resolution. Quite frankly, my delegation would prefer the latter alternative.

However, we could also agree to maintain, in the operative part of the text, the idea of calling upon the administering Powers to cooperate with our Committee, without going into details such as reviewing decisions about the need for active participation in the work of the Committee and so on. This is because, as I have already

emphasized, forms of cooperation and participation in the present circumstances need to be sufficiently flexible so that they leave open the opportunity for establishing businesslike working contacts with the administering Powers and supporting and maintaining such contacts, while producing a more effective result.

I can say that the language as it now stands is not going to be considered constructive by our potential partners among the administering Powers. It is not going to be perceived in those terms, and that is precisely why I am proposing the language that has been used by our colleague from Syria.

The Chairman: If the representative of the Russian Federation is not going to insist on his initial proposal of deletion, can we then have a precise reformulation of operative paragraph 3, either from him, from the representative of the Syrian Arab Republic or from anyone else who may wish to contribute?

Mr. Chtcherbak (Russian Federation) (*interpretation from Russian*): If you have no objection, Sir, perhaps in a few minutes' time, following consultation with my colleagues, I will be in a position to propose an acceptable formulation.

Mr. Viswanathan (India): First, I should like to express my appreciation to my colleagues from the delegations of the Syrian Arab Republic and the Russian Federation for the flexibility they have shown with regard to this paragraph.

I have a small suggestion in this respect. The paragraph could be reformulated to say, "continues to call upon the administering Powers to take note of the new approach of the Special Committee and reconsider participation" — something along those lines. But I agree with the basic approach taken by my Russian colleague, that we have to send the appropriate signals for seeking cooperation with the administering Powers, and also with the general philosophy, which is also that of my delegation, that we should not seek confrontation but cooperation and give them a chance. Using that philosophy, we are quite flexible on the issue.

I want to raise two more points in connection with this draft resolution. First, one way to assess the situation in the Territories is by sending visiting missions; another is to receive the representatives of those Territories, which is also envisaged in the Subcommittee's report. Perhaps we could add a new paragraph here requesting the administering Powers to encourage the participation of the representatives of those Territories in the work of this Committee. If this is agreeable to my colleagues, it could be included here.

Secondly, you might recall, Mr. Chairman, that in the Plan of Action for the International Decade for the Eradication of Colonialism, reference is made to a proposal that the Secretary-General or his representative visit those Territories. The Committee may wish to consider asking the Secretary-General about the implementation of the Plan of Action and encouraging him to consider visiting whichever remaining Territories he has not visited.

The Chairman: I thank the representative of India for his suggestions. As to the first one, I doubt that it would be appropriate to discuss his suggestion to encourage representatives from the Territories to attend our meetings in the context of the question of sending visiting missions to the Territories. I myself do not think that this is the appropriate time to do that, but his suggestion will be borne in mind. When we get to the point at which it could appropriately be considered, it will then be taken up.

As to the second suggestion, I believe that it could be discussed here and that whatever we decide, or whatever views are expressed, could then be communicated to the Secretary-General.

However, that still leaves unsettled the question of the reformulation of operative paragraph 3. The representative of the Russian Federation has asked for more time and the representative of India has made some suggestions. Perhaps we can proceed on that basis.

Mr. Chtcherbak (Russian Federation) *(interpretation from Russian):* Following consultations with our colleagues on a revised text of paragraph 3, we seem to have arrived at language which we believe will be generally acceptable to all the other members of the Committee. We propose the following:

(spoke in English)

> "*Requests* the administering Powers to take note of the new approaches in the work of the Special Committee and calls on them to cooperate with the Committee in its endeavours".

(spoke in Russian)

In the opinion of our delegation, this language more accurately reflects the requirements of the Committee and our real options. Most important, it would facilitate forward movement in respect of the acute problem of cooperation between the Committee and the administering Powers.

We all know that, on a whole series of questions, the absence of the administering Powers has led the Committee to an impasse from which we must do our best to extricate it.

The Chairman: Is the language proposed by the representative of the Russian Federation acceptable as a replacement for the present paragraph 3?

Mr. Doudech (Tunisia) *(interpretation from French):* I should like to put forward a small amendment to the proposal of the Russian delegation. If the paragraph requests the administering Powers simply "to take note", it will not seem that they are expected to take the new approaches very seriously. I think it would be better for the paragraph to call upon the administering Powers to consider the new approaches that the Special Committee intends to take in its work.

Thus, we favour the words

"to consider the new approaches in the work of the Special Committee"

rather than

"to take note of the new approaches ...".

Mr. Chtcherbak (Russian Federation) *(interpretation from Russian):* It seems to me that the language proposed by our Tunisian colleague is extraordinarily felicitous. It strengthens the positive aspect, and my delegation is quite prepared to support it.

Ms. Yao Yuhua (China) *(interpretation from Chinese):* I believe that in the mid-term review of the Plan of Action for the International Decade for the Eradication of Colonialism we should emphasize the need for cooperation between the administering Powers and the Committee. Therefore, on the basis of my understanding of it, I believe that paragraph 3 should be retained. It is very necessary for us to send missions to those territories. I therefore fully agree with the revision suggested by the representative of Tunisia. New Zealand and Portugal cooperate with the Committee and participate in our meetings, but other administering Powers do not. We do not understand their views, and this is not conducive to good communication. We should therefore call upon the administering Powers not just to take note of the Committee's new methods of work, but to consider them.

We therefore sincerely hope that the administering Powers will cooperate with us in our work and consider our new methods. They should take a positive attitude towards the provision of support for the work of our Committee.

The Chairman: Apparently it is agreed that "consider" should replace "take note of".

Mrs. Khan-Cummings (Trinidad and Tobago): We have no objection, and I should like to compliment the delegation of the Russian Federation on its efforts and the representative of Tunisia on his proposed amendment.

The language could perhaps be improved by changing the final words "in its endeavours". "Endeavours" suggests simply efforts. The Special Committee has a mandate from the General Assembly. That being the case, the paragraph could end as follows:

> "and calls on them to cooperate with the efforts of the Special Committee to effectively carry out its mandate."

Thus it would end on a stronger note.

Mr. Chtcherbak (Russian Federation) *(interpretation from Russian):* Frankly, that is extremely strong. I quite understand the sound motive of the representative of Trinidad and Tobago. Furthermore, I understand the concern that has arisen about the situation. However, I think that at this stage it would be more advisable for us to confine ourselves to the language that has already been agreed. If we make reference to the mandate we shall be opening up a very broad field for discussion, especially as the interpretations of the very word "mandate" by the various administering Powers tend to be completely different. They all place different constructions on the term.

To avoid creating problems, we would do better to confine ourselves at this stage — and I stress "at this stage" — to the formulation we have already agreed.

I would therefore urge the representative of Trinidad and Tobago not to press her suggestion, although I

emphasize that my delegation fully understands her motivation and her good intentions.

The Chairman: May I take it, then, that the representative of Trinidad and Tobago is agreeable to this appeal?

Mrs. Khan-Cummings (Trinidad and Tobago): I will go along with whatever the Committee's final decision is, but I wonder if, "efforts" could be acceptable instead of "endeavours".

I also want to mention that, in the draft resolution, we direct our request to all the administering Powers, even though some have been cooperating. So I wonder if we should somehow qualify the phrase "the administering Powers".

The Chairman: I call on the representative of Portugal.

Mr. Gamito (Portugal): I think it is preferable to retain the original language, because it is necessary to make a distinction between those administering Powers that are cooperating with the Special Committee and those that are not. The Committee may wish to request the administering Powers that are not participating in the work of the Special Committee to consider its new approaches, and so on.

Mr. Chtcherbak (Russian Federation) *(interpretation from Russian)* It seems to me that there is no need to do so, because paragraph 3, as proposed, is closely bound up with the last preambular paragraph, and in this context it is perfectly clear which countries we are talking about. I think we simply do not need any extra words in paragraph 3.

The Chairman: If there are no other suggestions, I shall take it that the paragraph will read as follows:

> "*Requests* the administering Powers to consider the new approaches in the work of the Special Committee and calls on them to cooperate with the Committee in its efforts".

If I hear no objection, I shall take it that that paragraph stands, as orally revised.

It was so decided.

The Chairman: If there are no other speakers, I shall take it that the Committee is prepared to adopt draft resolution A/AC.109/L.1832 without a vote.

Mr. Viswanathan (India): I made reference to the proposal that the Secretary-General or his representatives should visit these Territories. This proposal is contained in the Plan of Action for the International Decade for the Eradication of Colonialism. I was waiting for a reaction from my colleagues, but in its absence, may I request the Secretariat to enlighten us as to whether the Secretary-General or his representatives have visited any of these Territories or whether there are any proposals for visits in the near future.

Mr. Dmitrichev (Secretary of the Committee): As far as the Secretariat knows, the Special Representative of the Secretary-General has been to East Timor. We do not know of any visits by the Secretary-General or his Special Representatives to other Territories, except, of course, Western Sahara, in connection with negotiations there.

The Chairman: The question is, can we include in the draft resolution, reference to the question of the Secretary-General's visiting the Territories, as suggested by the representative of India?

Mr. Chtcherbak (Russian Federation) *(interpretation from Russian)*: In my delegation's opinion, the language we already have in the preambular and operative parts is sufficiently broad and flexible and does not predetermine the possible forms that the dispatch of such missions might take. If our Committee did specify such forms, I do not think that would have any positive effect. These are quite difficult and delicate matters, as we are all aware, and we should not try to tie the Secretariat's hands and predetermine the form of the dispatch of missions. I really doubt whether that would be effective. Moreover, it would probably not reflect adequately the approach we are talking about, so my delegation does not think it would be a good idea now to say something along the lines of what has just now been proposed.

I think this draft resolution already reflects the Committee's concerns sufficiently well and I think we should leave it at that. The proposal put forward by the representative of India can certainly be taken into account when this matter is discussed with the Secretariat and with other interested parties in order to find a better,

more faithful means of incorporating it. But I do not think it should be done in this particular draft resolution.

The Chairman: I would then propose that instead of including the Indian proposal in the draft resolution, it be reflected in the Committee's report.

Mr. Viswanathan (India): I understand the delicacy involved in this matter, as explained by our colleague from the Russian Federation, so I will not press for this. But I think that somewhere in the report of the Committee we must discuss the Plan of Action for the International Decade and review it in the light of what actions have already been implemented and which ones remain to be implemented in the next four years or so. I think that would be useful. I particularly suggest that the Committee consider this wherever appropriate.

The Chairman: I thank the representative of India for his understanding, and I assure him that what he has said will be reflected in the verbatim record of this meeting.

If no other member wishes to speak on this item, may I take it that the Committee is prepared to adopt draft resolution A/AC.109/L.1832, as orally amended, without a vote?

Draft resolution A/AC.109/L.1832, as orally amended, was adopted (A/AC.109/2031).

Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (A/AC.109/L.1833)

The Chairman: In connection with this agenda item, members have before them a draft resolution (A/AC.109/L.1833) prepared by the Chairman. Are there any comments?

Mr. Viswanathan (India): I wish to make a few comments on this item.

We are all aware that the information at the disposal of this Committee to enable it to deal effectively with the issues at hand has been generally inadequate. Those of us who participated in the seminar know that in one or two cases the information was inaccurate. Information is very important. Apart from the acquisition of information through the administering Powers, there is scope for our receiving information from non-governmental organizations and regional organizations that have been active on these issues.

I want to suggest consideration of these points and their inclusion in the appropriate paragraphs. I suggest a preambular paragraph in the following words:

> "*Noting* that the information from Non-Self-Governing Territories that has been made available to the Special Committee has been generally inadequate".

This is the truth, and since it is factual I hope that it is acceptable to other representatives. With regard to the language, I am, of course, flexible. The words that I have just proposed could be added as the fourth preambular paragraph.

I suggest the addition of another preambular paragraph in the following terms:

> "*Recognizing* the importance of adequate, accurate and timely information regarding developments in the Non-Self-Governing Territories to assist the Special Committee in discharging its mandate effectively".

With regard to the operative part of the draft resolution, I suggest the addition of the following as paragraph 4:

> "*Considers* that useful information on the situation in the Non-Self-Governing Territories could also be collected through regional organizations and non-governmental organizations involved in these issues".

Mr. Al-Attar (Syrian Arab Republic) *(interpretation from Arabic):* I thank the representative of India for the very interesting amendments that he has suggested. I have two comments.

With regard to the first of these proposed amendments, which refers to the inadequacy of information provided under Article 73 *e* of the Charter, we should be objective. Some of the administering Powers do provide the Committee with regular reports on the situations in the Territories concerned in accordance with the requirements of the United Nations. That being the case, we should not generalize in the proposed amendment.

With regard to the proposal that information could be provided through non-governmental organizations, Article 73 of the Charter clearly indicates that the

administering Powers should transmit information on the Territories to the Committee. No text mentions non-governmental organizations or regional organizations. No text asks those organizations to send information to the United Nations. Such information might be useful, but we must abide by the letter of the texts governing this Committee, as well as the Charter, which entrusts certain tasks to us.

We could amend the text in order to bring it fully into line with the Charter.

Mr. Chtcherbak (Russian Federation) *(interpretation from Russian):* Like the representative of the Syrian Arab Republic, I feel that we must take account of the quite detailed information that we receive from a number of administering Powers. In my delegation's view, it would be wrong and improper to generalize this thesis excessively. If we deal with the matter in the sort of language proposed by the delegation of India — if we suggest that all the information on the basis of which the Committee has been working is generally inadequate — the people reading our resolutions will start to ask how, in these circumstances, can the Committee take decisions at all? How can it adopt draft resolutions if the information available to it is really inadequate?

The danger is that the use of such language could give rise to additional criticism of the Committee, the more so because — speaking objectively — the third preambular paragraph, even as it stands, quite clearly reflects two principal points. The first is that it is very important that information should be made available in a timely fashion; the second is that the information should be adequate. It seems to me that this language, to a considerable extent, already meets the concerns of the representative of India.

With regard to the proposal that bodies such as non-governmental and regional organizations should be involved in the information-gathering process, I do not think there is anything to prevent this Committee or the Secretariat from making use of all possible sources. Thus, there is absolutely no need to place emphasis on this point.

Finally, I should like to know what non-governmental organizations take such a keen interest in the affairs of the Non-Self-Governing Territories that they are engaged in the collection of information. Perhaps the Secretariat could furnish this information. We must construct our draft resolution in the light of these facts.

Mrs. Cueto (Cuba) *(interpretation from Spanish):* First, we should like to associate ourselves with the concerns expressed by the representative of India to the effect that information received by the Committee is not really sufficient or adequate. As has been pointed out by the representative of the Russian Federation, however, a reference to this reality might, create the danger of intensified criticism of the Committee. We face a reality with which many of us are familiar. Unfortunately this is the situation facing the Committee. Therefore, it seems to my delegation that we must forestall possible future criticism and preclude certain future developments. Perhaps this is the appropriate time to do so.

Given these considerations, my delegation expresses its support for the concerns voiced by the representative of India. We would, of course, be flexible as to the actual language employed in the new paragraph.

It might be necessary to take a realistic position and, rather than lumping all the Powers together, come up with a more specific formulation that in some way takes into account the situation that really exists, not a situation generalized to include all the Powers. This means requesting more credible, appropriate and reliable information.

With regard to the participation of non-governmental organizations, it has been said repeatedly in many United Nations forums that the various actors in international relations include the non-governmental organizations. I believe our Committee could also echo this point, or at least appraise the extent to which our Committee might accommodate such activities. We believe that the proposals we have heard here about the possibility of the Secretariat carrying out a study of interested non-governmental organizations might help us consider the proposal made by India.

For the moment, my delegation will refrain from expressing a substantive position on this point, but we do believe that there are interested non-governmental organizations and that it would not be in contravention of the spirit or the letter of the Charter for our Committee to evaluate them. The implications of the participation or provision of information by non-governmental organizations interested in conditions in the Non-Self-Governing Territories would, of course, call for a substantive debate. But the Cuban delegation believes that that proposal could be the subject of study after all the questions of procedure and of the Committee's general course of action have been dealt with.

The Chairman: At issue is whether the draft resolution, as it stands, captures the concerns expressed about the adequacy and timeliness of the transmission of information, or whether, in fact, it needs to be strengthened in the manner suggested by India.

Mr. Viswanathan (India): Maybe I was too quick in proposing those amendments, but basically I wanted to highlight the concerns and the constraints of the members of the Committee in dealing with the issues because of the information gap and the question of timeliness.

Members will recall that in the case of the United States Virgin Islands, we had in fact adopted a draft resolution in the Subcommittee recognizing the referendum held there. But it was clarified during the seminar held in Trinidad and Tobago on the question of New Caledonia that the referendum had been declared null and void because not enough people had participated in it. Similarly, in the case of Guam, this Committee took the referendum held in 1982 as an act of self-determination, as was reflected in our resolutions. But again, the representatives of Guam clarified that those were all interim measures and should not be taken as the final act of self-determination.

This is basically to highlight the issues and difficulties, but I do not want to stand in the way of the general consensus in the Committee, so if Committee members are satisfied with the present text I will withdraw my proposed amendments.

Mr. Chtcherbak (Russian Federation) (*interpretation from Russian*): I wish to express to the representative of India my gratitude for his constructive approach.

Mr. Al-Attar (Syrian Arab Republic) (*interpretation from Arabic*): In my earlier statement I was not expressing opposition to the amendments suggested by India. I was only opposed, for the sake of complete objectivity, to some of the terms used in the text. However, now that the representative of India has withdrawn his proposed amendments in the light of the various comments made, it remains only for us to thank him. To be sure, the proposed amendments are perfectly objective and logical, but since he is now withdrawing them I do not think there is any need to continue discussing them.

The Chairman: As there are no further comments, may I take it that the Committee is prepared to adopt draft resolution A/AC.109/L.1833 without a vote?

Draft resolution A/AC.109/L.1833 was adopted (A/AC.109/2032).

The Chairman: The Committee has thus concluded its consideration of this agenda item.

Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination (A/AC.109/2013-2016, 2019, 2020)

Military activities and arrangements by colonial Powers in Territories under their administration (A/AC.109/2014, 2018, 2020)

The Chairman: Members have before them the various working papers prepared by the Secretariat which contain references to the two items relating to foreign economic interests and military activities.

Mr. Viswanathan (India): I should like to initiate the discussion with some comments.

During the seminar we had an opportunity to hear the views of many of the representatives of the Non-Self-Governing Territories, in addition to those of other concerned participants. One of the things which came out very clearly was that, at least in the case of the 12 small Territories being dealt with by the Subcommittee, these are small islands with limited natural resources. In these cases, foreign investment is an important contribution to the development of the Territories, so there was greater emphasis on the valid contribution that could be made to the economies of those Territories by foreign investment. Of course, the foreign investment has to be compatible with the wishes of the people, their own economic priorities and so on.

I think this calls for a review of the Committee's approach, in that we should not look at this question in a generalized way. We should differentiate, and we should take into account these new realities instead of simply condemning them or saying that they are not useful. I should like to suggest for the consideration of the members of the Committee that we need to have a review and take a positive look at the contribution that could be made by foreign economic investment.

In the case of foreign military installations, we did hear some comments to the effect that the military installations were an important factor in local

employment and the local economic situation, and that because of the decision to close or downsize some of them there were adverse consequences that some of the Territories were unable to face without adequate cooperation from the administering Powers. Again, I think the Committee need not take a blanket approach with universal and uniform implications to all these separate issues. Instead, it should take a differentiated tack and tone down its approach to foreign military installations, since they are a factor in the local economic situation.

Mr. Samana (Papua New Guinea): I should like to express my support for the views of my colleague from India regarding foreign investment activities and the activities of foreign military installations in the Non-Self-Governing Territories.

I should like to shed additional light on the argument that the activities of foreign investors in the Non-Self-Governing Territories provide positive support for and also affect economic conditions in terms of equity and participation. Indeed, the manner in which economic programmes and foreign investment are directed can limit the local population's equity participation in and control of the available resources. This in turn limits the ability of the peoples of the Territories to expand their technical capacity and to take control of their economic resource development, which would enable them to pursue political, educational and technical development. This adds another dimension to the argument, which was very much appreciated at the Trinidad and Tobago seminar.

This relates also to arguments concerning the presence of military installations in some Territories. We are aware, as are, I am certain, other representatives, of the fact that the activities of foreign military installations do contribute to sustaining those Territories' economies by helping to provide jobs and income to the local people. However, these activities also impair the capacity of those Territories to diversify into other areas of economic development that would be sustainable over the long term.

These are very important arguments, both sides of which must be taken into account when considering the issues before us. When Non-Self-Governing Territories are heavily dependent on income from the activities of military installations, they do not focus on diversifying the economy into agricultural and other sectors, which are also very important in assisting the overall socioeconomic development of the peoples concerned.

Ms. Yao Yuhua (China) (*interpretation from Chinese*): I should like to thank the representative of India for his views on this subject, and I think the views put forward by the representative of Papua New Guinea are also very important. At the Trinidad and Tobago seminar, we talked about the impact of foreign military installations, and both sides of the question were discussed. As was pointed out by the representative of Papua New Guinea, these foreign economic activities and military installations provide economic support to the local people. However, they also limit the diversification of the economies of the Territories and the local use of national resources. Foreign economic groups do not take into consideration the environmental impact of their activities. Therefore, in reviewing the impact of foreign economic activities and installations on the Non-Self-Governing Territories, we should discuss both sides of the issue.

Mrs. Cueto (Cuba) (*interpretation from Spanish*): In the light of the discussions held at our Committee's recently concluded seminar — which the Cuban delegation, unfortunately, was unable to attend — we would like to place on record our position on the views expressed there on the impact of military bases and foreign investment in the Non-Self-Governing Territories. The Cuban delegation would reiterate that the arguments put forth concerning the positive impact of these foreign investments and military bases on such Territories are unquestionable. However, we feel that the appeal addressed to us objectively to analyze these economic investments and military bases is also relevant. Examples abound of how those military bases contribute to economic development; however, at the same time, they stand in the way of local activities. Indeed, examples also abound of military bases in the Non-Self-Governing Territories closing down and social chaos ensuing there.

Mr. Chtcherbak (Russian Federation) (*interpretation from Russian*): I think that our Committee is nearing a very important stage of its work, because the debate we have been having, which was initiated by the delegation of India, has demonstrated that a serious turning point is approach. There is a desire now to arrive at an objective analysis and appraisal of the situation in this most difficult area.

None the less, I believe that our Committee is tending to stagger from one difficulty to another and from one side to another, with an attitude of general condemnation of foreign military and economic activities. We should not call upon the administering Powers to

close down the military bases but to preserve them, as they are one of the principal sources of development for the Non-Self-Governing Territories.

As has rightly been pointed out here, a sound and carefully worded approach to these matters is needed. It must be based first and foremost — and this is clearly the most important point in our present discussion — on the need to develop contacts and all possible cooperation between the administering Powers and the Governments of the Non-Self-Governing Territories. In my delegation's view, it is precisely in the framework of that dialogue, and not in our Committee, that the important and delicate matters involving foreign investment, military presence and so on need to be addressed, because they are closely linked with economic and social development plans in the Territories, as well as with plans for tackling problems of unemployment and the environment, among others.

My delegation therefore notes with great satisfaction that we have now begun to approach these problems with greater understanding, and we would like to assure all the members of the Committee that it is in this constructive spirit that my delegation is prepared to cooperate in the Committee's elaboration of decisions that are in line with the real situation in the Non-Self-Governing Territories and with the interests of their development and their peoples, while at the same time, as I have already emphasized, taking account of the real state of affairs.

Mr. Al-Attar (Syrian Arab Republic) (*interpretation from Arabic*): In the light of what has been said on these two very important subjects, it would seem to us that there is a tendency to want the Committee to change its current course and working methods. But we cannot do this suddenly, without any preparation.

If our Committee is to recognize the importance of military activities and foreign economic interests in the Non-Self-Governing Territories, then it should consider what its role really is. Our Committee's decisions would be devoid of legality or scope if we were to take a step backwards and now say that foreign economic interests and military activities must be taken into account. We cannot go too far or too fast in deciding to make changes. We must remain objective and maintain constant contact within the Committee itself and with the countries involved, with the aim of emphasizing our Committee's role, which is to defend the rights and interests of Non-Self-Governing Territories. That is why we must go slowly.

We must take into account and protect the interests of the peoples to which we are responsible, in order to enable them to manage their affairs better. Haste would make waste. We must establish intensive, constant contacts in order to preserve the very principles governing our Committee's action and maintain good understanding between ourselves and our partners.

The Chairman: I hope and trust that if there is any change at all in the present course and working methods of this Committee, it will be in the interest of doing the Committee's job more effectively and efficiently.

As there are no further statements, the Committee will continue consideration of these two items at its next meeting.

Incidentally, I understand that the members of the Bureau are consulting with their respective regional groups with regard to the disposition of these items.

Caribbean Regional Seminar

The Chairman: As members are aware, the Special Committee held a Regional Seminar on the Mid-term Review of the Plan of Action of the International Decade for the Eradication of Colonialism, in Port-of-Spain, Trinidad and Tobago, from 3 to 5 July 1995. On 5 July the Seminar adopted conclusions and recommendations by consensus. The report of the Seminar will be presented for the Special Committee's consideration during the current session.

Organization of work

The Chairman: As can be seen from our programme of work, the Committee is trying to conclude its work in one week so as to enable the Rapporteur to prepare the Committee's report to the General Assembly.

As can also be seen from the programme of work, the Economic and Social Council will be considering the item relating to specialized agencies between 24 and 26 July in Geneva. The usual practice is that the Chairman represents the Committee at those meetings. But here I should say that the Bureau addressed this issue and came up with a recommendation that the Committee may wish to consider. The Committee will reconvene to consider this item towards the end of August or in early September.

I should also like to point out that the Committee will consider the question of Gibraltar at its meeting tomorrow morning, so as to facilitate the Chief Minister's participation. Thereafter, the Committee will take up the question of East Timor. On Wednesday the Committee will consider the question of Western Sahara, and then the question of New Caledonia. I hope this meets with members' approval. A revised programme of work has been circulated to all members.

Special Committee decision of 15 August 1991 concerning Puerto Rico

The Chairman: At this stage I should like to call members' attention to *aide-mémoire* 10/95, with respect to the review of the method of work of the Committee, with particular reference to Special Committee decision of 15 August 1991 concerning Puerto Rico. It states,

> "the Expanded Bureau notes that there has been an annual discussion in the Special Committee on the question of Puerto Rico, including a hearing with the organizations interested in the question, and the adoption of a resolution after the hearing. Regarding the postponement in 1992 of the discussion and decision on the item, it is recommended that this postponement be extended until 1996, pending the outcome of other consultations and subsequent steps that are continuing to be taken at various levels by the interested parties. The Expanded Bureau also suggests that the Special Committee give due consideration to requests for hearing on the basis of its usual practice."

May I take it that the Committee is in agreement with this recommendation?

It was so decided.

The Chairman: In accordance with our programme of work, the Committee will begin consideration of the requests for hearing on Special Committee decision of 15 August 1991 concerning Puerto Rico on Thursday, 13 July.

Draft report to the General Assembly

The Chairman: In order to facilitate the submission in good time of the Committee's report to the General Assembly, I would suggest that, in keeping with the practice adopted by the Committee at previous sessions, the Rapporteur be requested to prepare and submit directly to the Assembly the various chapters of the report covering the items on which the Committee has concluded consideration. If the Committee has no objection to following this time-honoured practice, it will be so decided.

It was so decided.

The meeting rose at 12.40 p.m.

United Nations A/AC.109/PV.1443

General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1443rd Meeting
Tuesday, 11 July 1995, 10 a.m.
New York

Acting Chairman: Mr. Bangura . . . . . (Sierra Leone)

The meeting was called to order at 10.50 a.m.

Question of Gibraltar (A/AC.109/2025)

The Chairman: The Committee has before it a working paper prepared by the Secretariat, contained in document A/AC.109/2025.

I wish to inform members that the delegation of Spain has indicated its wish to participate in the Committee's consideration of this question. In accordance with established practice, and if I hear no objection, I shall invite the delegation of Spain to take a place at the Committee table.

At the invitation of the Chairman, Mr. Pérez-Griffo (Spain) and members of his delegation took a place at the Committee table.

The Chairman: In connection with this item, I wish to inform the Committee that the Chief Minister of Gibraltar, the Honourable Joe Bossano, has expressed the wish to make a statement. Subject to members' consent and in accordance with standing procedure, I suggest that the Committee invite him to make a statement.

It was so decided.

At the invitation of the Chairman, Mr. Joe Bossano, Chief Minister of Gibraltar, took a place at the Committee table.

The Chairman: I now call on the Chief Minister of Gibraltar.

Mr. Bossano: I wish to thank you, Sir, for giving me the opportunity once again to address the Special Committee on behalf of the people of Gibraltar.

Last month, we celebrated the fiftieth anniversary of the signing of the Charter of the United Nations. The issue of decolonization has been at the very heart of the work of the United Nations and of its growth in membership from 51 to 185, and Gibraltar has been a part of this almost from the beginning. In 1946, the United Kingdom submitted the name of Gibraltar as an administered Territory, with respect to which it would transmit reports to the United Nations, in accordance with Article 73 *e* of the Charter. It has submitted such reports, which have been considered by this Committee, since 1963.

My Government's decision to pursue the rights of Gibraltarians to self-determination and decolonization by direct representation before this Committee and the Fourth Committee marked a watershed in the development of the people of the Territory in respect of these questions. As I mentioned in my first address to the Special Committee in 1992, there had been a 25-year gap during which Gibraltar did not seek to put its views to this Committee. This had created the erroneous impression that the Special Committee was insensitive and perhaps even hostile to the aspirations of the Gibraltarians.

I am happy to report that there has been a complete turnaround in the situation. This Committee is now clearly seen — as it should be — as one that is responsive to the views of the colonial people and one

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This record contains the original texts of speeches delivered in English and interpretations of speeches delivered in the other languages. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, *within one week of the date of publication*, to the Chief of the Verbatim Reporting Section, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

that welcomes the opportunity to hear such views, so that it will be in a better position to address the issue of decolonization from the perspective of giving priority to the wishes of the people of the Territory over any other factor.

As members are aware, we have given the widest possible publicity in the Territory to the work of the Special Committee and to my appearances before the United Nations in accordance with the provisions of the Charter and of United Nations resolutions. The impact of this dissemination of information about the programme for decolonization and the Plan of Action has raised expectations among the people of Gibraltar that, at long last, our 31-year struggle to have our right to our land recognized is making headway.

Last year, I informed the Committee that the celebrations for Gibraltar's National Day had produced an explosion of sentiment by a people that had come of age, expressing the kind of feeling seen in other parts of the world in the process of decolonization. They say a picture speaks louder than a thousand words. When members watch the videotapes of National Day 1994, which I am providing, they will immediately recognize what has been, for those who have experienced the emergence from colonialism, a part of their own history.

If a visiting mission of the Special Committee were to join us in our celebrations this coming September, no doubts would remain in their minds about the authenticity of our separate identity as a people. So I say, "Come to Gibraltar and share our National Day with us". Those who do will doubt no longer. All those who joined us in 1994 — leading politicians from the United Kingdom, Spain, Portugal, Latin America and Holland — were convinced by what they saw and have given their support to our cause.

What we are seeing in Gibraltar can be described in the words of resolution 1514 (XV), which recognizes that "the peoples of the world ardently desire the end of colonialism" *(sixth preambular paragraph)*. It is also, in the words of resolution 1541 (XV), Principle II of the Annex, an example of a dynamic state of evolution and progress towards self-government. These two key resolutions have governed the decolonization process since its inception.

In addition to developing our case internally, we have taken it abroad — not just before the Fourth Committee and the Special Committee; but also to Geneva, to the monitoring Committee on the International Covenant on Economic, Social and Cultural Rights; to the administering Power; to the launching of the Conference on Dependent Territories; and to our neighbour, the Kingdom of Spain.

In the last year, I have addressed seminars at the Law Faculty of the University of Granada; in Seville, where I spoke to an organization that represents the leaders of the business community in the adjoining province of Andalucia; and in Madrid, where I addressed a national organization called Club Siglo XXI, which represents a cross-section of intellectuals from different spheres of life of the Kingdom of Spain. On all those occasions, I attempted to demonstrate to opinion-makers in that neighbouring country not only the unstoppable drive of the Gibraltarians for recognition of our right to self-determination and for our country's decolonization, but also our desire to live in harmony and cooperation with the Kingdom of Spain.

The increasing awareness of the reality of the cultural identity and separate reality of our people is now gaining ground in Spain and modifying its attitudes towards Gibraltar. Regrettably, although this is happening in society, there is no reflection of it in official circles, where all our efforts to promote the cause of decolonization and to participate in the eradication of colonialism by the year 2000, internally and externally, have produced increasing hostility from the Government. They see the efforts of my Government, on behalf of my people, as a threat to their objective of annexing Gibraltar and incorporating it under Spanish sovereignty.

No other Government of any other colonial Territory has put as much effort into achieving the right to decolonization as we have since 1992. It is also true that no other colonial Territory today faces as difficult a task in securing self-determination. To meet our aspirations and this Committee's objective of eradicating colonialism by the year 2000, we will need the Committee's help.

I wish to turn now to relations with the administering Power. The Gibraltar Constitution, like that of most British colonies, basically divides political responsibility between the territorial Government for most domestic policies and the administering Power for foreign relations. In Gibraltar's case, this has produced unforeseen repercussions in respect of European Union obligations, which apply to Gibraltar as the only colony to join the then European Community in 1973, with the United Kingdom.

To accept the view that matters arising out of our membership of the European Union are foreign affairs would represent a totally regressive step in constitutional terms, whittling away at the list of domestic matters and providing the effect of recolonization, contrary to the provisions of Article 73 *b* of the Charter, which requires the United Kingdom to develop the self-government of the Territory.

Following the last general election, at the formal opening of the seventh House of Assembly of Gibraltar, on 15 February 1992, the Governor of Gibraltar said:

> "The Government is conducting a review of the Gibraltar Constitution Order 1969 with a view to proposing changes to bring it up to date and to reflect developments over the past 20 years in the relationship between Her Majesty's Government in the United Kingdom and the Gibraltar Government, as well as the evolution of the European Community (EC). The Gibraltar Government will seek to initiate early discussions of this complex subject with Her Majesty's Government".

The complexity of the subject is such that there has been a continuous exercise since 1992 which has not yet been finalized. The United Kingdom Government itself has recognized the difficulties. At the Dependent Territories Conference of November 1993, the Secretary of State described the situation of Gibraltar

> "as a particularly difficult one because of this relationship with the EU".

Although a broad measure of agreement was achieved in 1993 as to the demarcation between the administering Power and ourselves in the area of transposing European Union obligations into the national law of Gibraltar, there are still unresolved questions which need to be finalized.

My Government none the less believes it is possible to achieve a mutually acceptable balance which will protect the position of the United Kingdom in respect of its responsibility for Gibraltar in the European Union and, at the same time, safeguard the autonomy of my Government without undermining our constitutional prerogatives.

It is clear that Spanish membership in the European Union since 1986 has been a relevant factor in further complicating matters. We do not underestimate the difficulties faced by the administering Power in adequately protecting our interests, faced as it is with constant pressure within the European Union from Spain. Understanding these difficulties, however, cannot prevent us from pressing them to stand up for our rights, as they are required to do under Article 73 of the Charter.

I know that the main complaint about me in London is that I am too single-minded in putting Gibraltar and its people first in my dealings with the administering Power. I have acknowledged that this is the case but make no apologies for it. It is the job which my people have elected me to do.

The position of the Spanish Government is unashamedly to make use of every opportunity within the European Union to bring pressure to bear on the United Kingdom, and through the United Kingdom on us. The objective is to limit the development of the national consciousness of the Gibraltarian people and its drive for self-determination and decolonization, in flagrant breach of the Kingdom of Spain's responsibility under the United Nations Charter and the relevant Covenant on Human Rights, of which Spain is a State signatory and whose validity has been extended without qualification to the territory of Gibraltar.

I would remind the Committee that when Spain objected to the inclusion of the Spanish enclaves of Ceuta and Melilla in the list of Non-Self-Governing Territories and refused to make them subject to the reporting requirements of the United Nations to this Committee, it did so precisely by stating that they did not have a separate identity. The Spanish argument is that the dispute with Morocco is a territorial dispute over Spanish cities. Spain argues that the geography of their location does not make them colonies. The fact that they are integrated within the Spanish nation-State, that the citizens of those cities share an identical status with those of the Spanish mainland, that the national laws of Spain apply without distinction as they do in the rest of the national territory — all these things mean that these are not Non-Self-Governing Territories.

By contrast, Spain has always accepted that Article 73 of the Charter applies to the people and the territory of Gibraltar. Principle IV of the annex to resolution 1541 (XV) states,

> "*Prima facie* there is an obligation to transmit information in respect of a territory which is geographically separate and is distinct ethnically and/or culturally from the country administering it." (*resolution 1541 (XV), annex, Principle IV*)

This makes us a people in our own right. We are not foreign expatriates living in the south of Spain, as they continue to describe us. We have a right to our land, and we are determined to defend that right.

Although there can be no doubt that under international law Gibraltar and its people are an entity distinct from the country administering it, the Spanish Government continues to act as if this were not the case. They oppose Gibraltar's sporting associations' taking part in international events. They refuse to recognize the Royal Gibraltar Police's membership in Interpol. Their enforcement agencies will often not cooperate with the Gibraltar judicial system. They will not recognize identity documents issued by my Government, contrary to European Union obligations. Finally, they will not even allow our dogs to enter international dog shows.

This behaviour, which my Government condemns, is contrary to the spirit of the Charter of the United Nations. It is contrary to resolution 2131 (XX) of 21 December 1965 and resolution 2625 (XXV) of 24 October 1970, which call on Member countries not to apply any form of pressure on the Non-Self-Governing Territories to deter them from pursuing their right to self-determination.

Spain has made no secret of the fact that my appearances before this Committee, my submissions to the Fourth Committee, my address to the Geneva Committee established under the Covenant on Human Rights, my participation in the meeting of the International Monetary Fund (IMF) as part of the United Kingdom delegation and all the attempts of my Government to promote the national identity of my people in accordance with United Nations resolutions are seen as acts hostile to the Spanish nation.

We Gibraltarians cannot be denied our right to decolonization. The disagreement between the Kingdom of Spain and the United Kingdom over Gibraltar, whose existence was acknowledged by this Committee in 1964, was never intended — nor could it be intended — to be a pronouncement of a doctrine depriving Gibraltarians of the right to self-determination. My Government, whilst defending that right, has always sought to make clear that the demand for recognition of our right as a people is not an act of hostility towards our neighbour.

Last October the representative of Germany addressed the Fourth Committee on behalf of the European Union. He said,

> "The European Union confirms its support for the principle of self-determination and for actions consistent with the Charter aimed at the elimination of colonialism, irrespective of the geographical location and population size of the remaining Non-Self-Governing Territories."

I have already mentioned that we are members of the European Union and that our membership in the Union is affecting the colonial relationship between us and the administering Power in the ways I have described. As we are citizens of the Union, the statement I have just quoted by the German presidency is a statement made in our name as well. He then went on to say, with reference to the text provided by the Special Committee,

> "This text is based mainly on the premise that all the Non-Self-Governing Territories have failed to exercise their right to self-determination solely because this right is denied to them by the administering Power".

It is ironic that this statement should be made in the name of the Gibraltarians, who are citizens of the Union, when it applies specifically to the Gibraltarians who are being discriminated against in this way by being denied the right of self-determination by the administering Power because of a Treaty dating from 1713.

Gibraltar is the only British colony in this situation. The right to self-determination is not denied them because of Spain's claim over the territory. There is also a territorial claim by Argentina over the Falkland Islands. In spite of this, the 1985 Constitution granted to the Islands enshrines the inalienable right to self-determination. The only argument used by the United Kingdom in our case is based on the Treaty of Utrecht of 1713.

That argument sometimes filters through in not very noticeable ways. For example, the United Kingdom statement of October 1994 to the Fourth Committee, which referred to the report of this Special Committee, said:

> "Within the constraints of treaty obligations we welcomed the acknowledgement that it is ultimately for the people of the Non-Self-Governing Territory to decide their future status."

The phrase "within the constraints of treaty obligations" was a reference to Gibraltar, although it was not named. Can the United Kingdom honestly argue that there is a constraint arising out of treaty obligations which prevents the same treatment of Gibraltar that is considered by the United Kingdom to be the correct treatment for every other colonial territory?

What is this Treaty that we are talking about? Is it a Treaty that has been signed in the last few years? Is it a Treaty that has something to do with the creation of the European Union? Is it a Treaty that has something to do with contemporary international law? No. It is a Treaty that was signed in 1713. The operative paragraph is article X of the Treaty of Peace and Friendship between Great Britain and Spain signed at Utrecht on the 13 July 1713. Article X contains the reference to what is to happen to Gibraltar in the future where it says:

> "And in case it shall hereafter seem meet to the Crown of *Great Britain* to grant, sell, or by any means to alienate therefrom the Propriety of the said Town of *Gibraltar*, it is hereby agreed and concluded, that the Preference of having the same shall always be given to the Crown of Spain *before* any others." *(Treaty of Utrecht, article X)*

But Article X also lays the following condition:

> "And her *Britannick* Majesty at the request of the Catholick King, does consent and agree, that no Leave shall be given, under any pretence whatsoever, either to *Jews* or *Moors*, to reside or have their Dwellings in the said Town of *Gibraltar*." *(ibid.)*

That condition has not been observed. Nobody would argue that it should be. It is clearly a flagrant violation of human rights contrary to the Charter of the United Nations and of the Declarations of human rights. But is this a treaty obligation which constrains the United Kingdom, as the administering Power, and requires it to discriminate in Gibraltar among Christians, Jews and Muslims? Now, if this particular violation of human rights is not sustainable, how can it be argued that the reversionary provisions in that same article, which also constitute a violation of the human right to self-determination of the people of the Non-Self-Governing Territory is still valid and can be sustained? That is the Treaty of which we are talking.

In 1995, this is what deprives my people of their fundamental rights under the Charter of the United Nations. It is, I submit, an insult to anybody's intelligence to expect this argument to be taken seriously. Yet, that is what is expected.

Others have questioned the legitimacy of the argument. I will quote from a book produced in 1983 by Howard S. Levie entitled *The Status of Gibraltar*. Professor Levie is the Emeritus Professor in International Law at the St. Louis University Law School. Commenting on the Treaty he says:

> "Spain appears to take the position that, unlike other treaties or agreements of past centuries which created colonial situations ... there is something sacrosanct about the Treaty of Utrecht."

After analyzing the situation, he comes to this conclusion:

> "How the colonial situation on Gibraltar differs from that which existed for [four other] former colonies has never been adequately explained."

In November 1988, during its thirty-fourth session, the Human Rights Committee pointed out that the International Covenant on Civil and Political Rights was opened for signature in 1976 and that both Spain and the United Kingdom had become parties to it. Under the Covenant, both countries therefore had to promote self-determination in the remaining dependent Territories. The United Kingdom was told in 1988 that the choice in the case of Gibraltar could not be limited to remaining a colony or becoming Spanish because of the Treaty of Utrecht.

Following this up, when I presented my case in Geneva last November to the United Nations Committee that monitors the sister 1976 International Covenant on Economic, Social and Cultural Rights, I reminded it of the contents of article I of the Covenant. The United Kingdom extended that Covenant to Gibraltar without qualification in 1976. We did not tell them to do it. We did not force them to do it. They did it freely and voluntarily. Article I, paragraph 3, says:

> "The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations."

These are mandatory provisions. This is international law. This does not say that the United Kingdom may act, if it feels like it and if it is not going to cause any problems. It says that it shall do so. It says that it shall] romote, not that it shall deny. How far can you get from] omoting something? You are going to the opposite pole i you are denying it. It is equally mandatory on the K ngdom of Spain, which also signed without entering a reservation on Gibraltar.

The response of the Committee last year was very encouraging. I believe this Committee may not have had this brought to its attention by the administering Power, since it is not reflected in the Secretariat working paper. One of the members of the Committee, a German professor of international law, asked the British representative:

> "My question is very blunt and simple. Does the United Kingdom consider that in 1994, that is about 290 years after the conclusion of the Treaty of Utrecht, the answer you gave is still sufficient? I mean the answer you gave as regards Gibraltar, that any changes to its status must take account of the provisions of the Treaty of Utrecht? We have a Treaty of 1713 and unless Spain agrees to self-determination, there are no options for Gibraltar. I wonder whether this is still the case?"

The British delegation replied — somewhat lamely, I think — as follows:

> "I can only say that the view that is taken by the United Kingdom Government and by the Spanish Government is that that particular provision of the Treaty of Utrecht is still operative and still binding, and does present an inhibition on Gibraltar proceeding to independence, not to self-rule."

Does this mean that the Gibraltarians can exercise self- determination provided the choice is between integration, free association or the fourth option recognized by the United Nations? And that, in that case, it is purely a matter between us and the administering Power in which Spain has no say, and that this view is shared by Spain? The result of those deliberations was that the Committee in its final report included for the first time a comment on Gibraltar which I believe the Special Committee needs to take into account:

> "The Committee notes the concern expressed to it about the situation of Gibraltar in relation to the right to self-determination recognized in article 1 of the Covenant and calls upon all parties to the existing situation to ensure full respect for all the rights recognized in the Covenant in relation to future developments concerning Gibraltar." (*E/1995/22, para. 272*)

I think that has been the most encouraging response we have had from an organ of the United Nations.

Also in November 1994, a similar conclusion was reached in a paper prepared by Fordham University. After an exhaustive research of the legal issues, the author, Simon J. Lincoln, comes to the conclusion that the people of Gibraltar have the right to self-determination. He urged the United Nations to disregard the anachronistic reversionary provisions of the Treaty of Utrecht and recognize Gibraltar's fundamental right. I myself published a paper in the *International Law Journal* in May this year, presenting the arguments with which this Committee is familiar. I will be circulating copies to the Committee.

There are in fact three versions, not one, of the effect of the Treaty of Utrecht on the process of decolonization in the case of Gibraltar. One version — the one that the article in the *International Law Journal* refutes — is the view held by the Kingdom of Spain. The Spanish position is that a strict interpretation of the letter of article X of the Treaty of Utrecht prevents the exercise of any choice whatsoever on the part of the inhabitants of the colony. According to this, the wishes of the people of Gibraltar are irrelevant. The view of the Kingdom of Spain is that Gibraltar is to remain a British colony until it is taken over by Spain. From our perspective, what Spain is saying is that Gibraltar cannot be decolonized; that the only thing that can happen to Gibraltar is that it can have a change of administering Powers, with the Kingdom of Spain replacing the United Kingdom as the administering Power. The proposals made by the Spanish Government to the British Government in Geneva in 1985 were effectively that the present colonial constitution would remain, with the Kingdom of Spain being substituted for the United Kingdom.

I think the Committee would agree that one could describe this interpretation as being the hard-line option, representing the toughest anti-self-government position and the strongest denial of the provisions of the Charter, the Covenants on human rights and the resolutions of the United Nations. The Kingdom of Spain claims that this view is shared by the United Kingdom.

The most recent occasion on which the Spanish position was reaffirmed was last week at a seminar held in Madrid, where Mr. Spiteri, the Spanish Government representative attending the Seminar, said that we Gibraltarians should be reminded that our birth certificate reads "Utrecht". I put it to this Committee that our birth certificate reads "Chapter XI of the United Nations Charter", which is the same birth certificate that every colonial people had and which gave rise to the international recognition of the rights of colonial peoples.

The second version is the one that is reflected in the answer given by the United Kingdom delegation in 1988 to the Monitoring Committee on the Covenant on Civil and Political Rights which I have already quoted. That second version was repeated on 19 April this year in the House of Lords in answer to a Parliamentary question. Baroness Chalker, in reply, set out the British Government's position on Gibraltar:

> "Our policy has consistently been that, while we support the principle of the right of self-determination reflecting the wishes of the people concerned, it must be exercised with other principles and rights in the United Nations Charter as well as other Treaty obligations. In the case of Gibraltar, the right of self-determination is circumscribed by the Treaty of Utrecht."

This second version, instead of eliminating self-determination, circumscribes it. What it seems to be saying is that it reduces the options and the choices available to Gibraltarians but does not deprive us of any choice whatsoever.

There is a third position which is even better. When Douglas Hurd, the Secretary of State, addressed the Dependent Territories Conference organized jointly by the Falkland Islands and ourselves in London in November 1993, he said when he came to the subject of Gibraltar:

> "Secondly, and perhaps less obviously, independence is not a practical option for Gibraltar without the consent of its neighbour. It does not therefore have unfettered scope to choose its own status."

Scope of choice is not the same thing as legal right. And therefore, here we have a definition which is not tied to the Treaty of Utrecht. If there were no Treaty, does the possibility of a large hostile neighbour not create a limitation on the scope of exercising unfettered choice, notwithstanding our legal rights? Was it not the case that Belize, for many years, failed to exercise its right to self-determination and independence because of the constraint created by a territorial claim from neighbouring Guatemala? Is it not the case that the Falkland Islanders may feel constrained by a claim from Argentina in exercising self-determination, even though in their case the United Kingdom has repeatedly stated that they are entitled to this and indeed enshrined it in their Constitution in 1985?

In paragraph 2 of resolution 46/181, declaring the International Decade for the Eradication of Colonialism, the General Assembly declared

> "that the ultimate goal of International Decade for the Eradication of Colonialism is the free exercise of the right to self-determination by the peoples of each and every remaining Non-Self-Governing Territory in accordance with resolution 1514 (XV) and all other relevant resolutions and decisions adopted by the General Assembly". *(resolution 46/181, para. 2)*

If we are one of the Territories included in the reference to "each and every remaining... Territory", is this not a refutation of the arguments of the Treaty of Utrecht?

Since 1992 I have limited my annual presentation to providing this Committee with the views of my Government and a summary of the activities we have undertaken to advance our own decolonization. This year I am going one step further.

At the Trinidad conference, in which I participated at the Committee's invitation, we considered jointly, with members of this Committee, the options open to the 17 remaining Non-Self-Governing Territories. It appears to me axiomatic that my participation in the Seminar was based on the premise that Gibraltar had options. The point that I have made today and the point that I made at the Seminar is that the most powerful and positive contribution that the Special Committee can make in Gibraltar's case, if we are genuinely to progress to decolonization before the end of the decade, is to express a view on the constraints, if any, on the Treaty of Utrecht. I made it clear at the Seminar in Trinidad and Tobago that in my submission this week I would be making a formal request for the Committee to give consideration to this issue. The Seminar, in its final

report, has suggested that the Committee should take this request on board and give it consideration.

I believe that if the Committee is asking my Government and my people to consider the options for decolonization open to them so that they can exercise self-determination in choosing between those options between now and the year 2000, then we need to know what this Committee believes those options are. If the Committee feels that, as far as its terms of reference are concerned, it has to be guided by the Charter of the United Nations, the Covenants on Human Rights and resolutions 1514 (XV) and 1541 (XV), among others, and not by any consideration of the Treaty of Utrecht, then it is important for us to know that.

If the Committee feels that it cannot express a view one way or the other on the Treaty of Utrecht, then we would wish to have an indication from the Committee as to what the appropriate forum is within the United Nations system to make a ruling on this matter. Obviously, if the Spanish interpretation of the Treaty of Utrecht were valid, then, as I have demonstrated, we would in effect be saying that it is impossible to decolonize Gibraltar. If that is indeed the case, then it seems to me that there is little point in retaining it on the list of Non-Self-Governing Territories requiring eventual decolonization, since such a result is impossible because of the Treaty of Utrecht.

Needless to say, we are totally convinced that this interpretation cannot be correct. My Government is of the firm conviction that the case we have presented is irrefutable. We have marshalled our arguments in the earnest belief that this Committee could not possibly accept that it had to take account of the terms of the 300-year-old Treaty in addressing its responsibilities *vis-à-vis* Gibraltar and its people.

I put it to the Committee that what I am asking it to do in expressing a view on the relevance of the Treaty of Utrecht is no more than what it is required to do by its mandate in respect of the implementation of the International Decade for the Eradication of Colonialism. A report by the Secretary-General submitted to the General Assembly at its forty-sixth session, in November 1991, states,

> "The international community should seek to enable the peoples of Non-Self-Governing Territories to exercise their inalienable right to self-determination and decide their future political status with complete knowledge and awareness of the full range of political options available to them, including independence." *(A/46/634/Rev.1, annex, para. 4)*

I started off by making a reference to this year's fiftieth anniversary celebrations. When I took part in the celebrations in the United Kingdom, the Prime Minister of that country reminded us all that at the founding of the United Nations, Winston Churchill had said:

> "We must make sure that the world Organization does not become an idle name, does not become a shield for the strong and a mockery for the weak".

That is what we expect of the United Nations, and I would add that we have no doubt that there is a shield for the weak in the decolonization process: this Committee is that shield.

The Chairman: On behalf of the Committee, I wish to thank the Honourable Joe Bossano, Chief Minister of Gibraltar, for the information he has furnished to the Committee and for the formal requests he has made. Does any member wish to make comments or put questions to the Honourable Chief Minister?

Mr. Viswanathan (India): I wish to join the Chairman in thanking the Chief Minister for his graceful presence in the midst of our Committee. I also want to thank him for the invitation he extended to the Committee to visit Gibraltar. We are all familiar with his articulately expressed views, which are clear and consistent.

Mr. Bossano withdrew.

At the invitation of the Chairman, Ms. Christina Thorsell (International Federation of Liberal and Radical Youth) took a place at the Committee Table.

The Chairman: I call on Ms. Thorsell.

Ms. Thorsell (International Federation of Liberal and Radical Youth (IFLRY)): As the Secretary-General of the International Federation of Liberal and Radical Youth (IFLRY), and therefore on behalf of young liberals from all around the world, I am very grateful to this Committee for allowing me to speak on the Gibraltar issue, which is of essential importance to us.

IFLRY is an international non-governmental organization which is the forum for the youth organizations of liberal political parties all over the world

and, as such, is a full member of the Liberal International. Our member organizations are situated around the centre of the ideological scale, our main principles being the promotion of civil society, individual human and civil rights, the collective rights of minorities and other endangered peoples and the achievement of peace and security on the basis of sustainable development, environmental protection and free-market economy.

IFLRY has about 60 member organizations in 45 countries on all 5 continents. Today I am representing more than a million young liberals all over the world. We are active members of all the international structures existing in the field of youth cooperation. IFLRY has a consultative status within the relevant United Nations and United Nations Educational, Scientific and Cultural Organization (UNESCO) frameworks. As a political non-governmental organization, we are active in observing troublesome electoral processes, campaigning for political and civil rights where necessary and supporting those causes that we consider fair in international politics.

In the past five years we have thoroughly studied the Gibraltar case. In 1991 our General Assembly first adopted a resolution aiming at the recognition of the Gibraltarian people's national rights. We have twice sent delegates and members of our Bureau to visit the country, and in 1993 our General Assembly adopted a comprehensive resolution on Gibraltar which makes up our current policy on the issue. That resolution is available at the conference centre, and I would very much recommend that members read it. Furthermore, in May this year our Executive Committee unanimously welcomed the Gibraltar National Liberal Youth (GNLY), the youth organization of the Gibraltar National Party, which is an opposition party within the country, as a member of our international family.

I must stress that this deep commitment to the rights of the Gibraltarians has always enjoyed the strongest support of all of our British and Spanish member organizations. It is especially important to show the change of mind on the issue among an important sector of the young generation in Spain.

Liberalism is the ideology which primarily seeks to establish freedom: freedom for the achievement of individual and collective self-determination and freedom to decide which path to take and which to refuse. Ours is a freedom which accepts no borders. I, as a Swede, cannot be free while other human beings are deprived of a freedom so essential as that of democratically deciding on their country's national identity and political status. This freedom is a basic human right that young liberals around the world pursue for themselves, for every human being and for every people, including, of course, the people of Gibraltar.

We liberals believe that the rights of a colonial people are paramount and override any treaty existing between other parties. Sovereignty is exercised on behalf of, and for the good of, the colonial people to whom it ultimately belongs. In the case of Gibraltar, the excuse being used by the United Kingdom, under pressure from Spain, to refuse recognition of the Gibraltarian nation's right to self-determination is simply unacceptable. How can a Treaty dating back to 1713, before the relevant people even existed, be used three centuries later to undermine that people's very fundamental right to a fair decolonization achieved through a democratic process of self-determination? We strongly reject this, and we condemn the Governments of the United Kingdom and the Kingdom of Spain for their lack of respect for the democratic wishes and the essential rights of Gibraltar.

When IFLRY visited Gibraltar on the occasion of the country's National Day last year, we were deeply moved by the sentiments of a small nation which is twice colonized and for which the international community does not seem to do anything. The Chairman and the members of the Special Committee can do something about this. I ask the Committee to bear in mind that it is responsible for the well-being of the Gibraltarian people and for ensuring their political emancipation, which, of course, cannot be achieved by dissolving Gibraltar into Spain.

We have followed the United Nations action in the past few years, and I must admit that we are saddened by the Special Committee's lack of initiative in the most difficult case it has before it. Gibraltar might be the most difficult case before it, but it is also the case where the Committee is most needed by a people that is simply endangered and asking for help.

Gibraltar today is the only real colony — or, if I may put it this way, the only really colonized colony. Colonialism still prevails in Gibraltar in its most brutal shape: it makes the colony a simple property for others to bargain with. With due respect, I find it very difficult to understand why this Committee has not visited the country, and on behalf of my organization, I strongly encourage the Committee to do so, whether the current colonial Power and the aspiring colonial Power like it or not, because that is the only way the Committee can really fulfil its task and obtain first-hand information on

what Gibraltar is today, who the Gibraltarians are and what they wish. Otherwise, the Special Committee would simply be neglecting the Gibraltar issue.

When the Committee visits Gibraltar, it will see a country that needs it in order to survive as a political entity. It will find a Mediterranean people who have come of age, who are conscious of their rights and who are determined to defend their past, their present and their future.

The young liberals of the world and, in fact, every true democrat will be watching the Committee's action on this issue and will keep on lobbying the international community. This is the time for the Committee to act. The Committee's mandate from the General Assembly is very clear: to decolonize colonized areas. The United Nations, as an Organization, has seldom been as strong as it is today, in 1995. This is a chance for the Committee to act in the interest of democracy. Please do not let a small country's right to self-determination fall into the shadows of larger interests. We trust in the Committee's commitment to its task, and we wish it success in accomplishing it for the good of the Gibraltarian people.

The petitioner withdrew.

The Chairman: I call on the representative of Spain.

Mr. Pérez-Griffo (Spain) (*interpretation from Spanish*): My delegation wishes to thank you, Mr. Chairman, and the other members of the Committee for approving the Spanish delegation's request to participate in this debate.

We have studied the Secretariat's working paper (A/AC.109/2025) on the question of Gibraltar. Once again, because it does not include most of the information provided by my country, a reading of it may lead to an incomplete view or even a biased interpretation of the decolonization process and the real situation of the colony.

General Assembly resolution 1514 (XV), the cornerstone of the process of decolonization, established the compatibility that is necessary between the principle of self-determination of peoples and the principle of territorial integrity. Paragraph 6 states:

> "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations." *(resolution 1514 (XV), para. 6)*

In conformity with this paragraph, successive resolutions of the General Assembly have established the doctrine whereby the decolonization of Gibraltar is not, as is asserted, a question of self-determination but, rather, a question of the restoration of the territorial integrity of a State — in this case, Spain. In this respect, General Assembly resolution 2353 (XXII) established the applicability of that principle in the case of Gibraltar, and General Assembly resolution 2429 (XXIII) requested the administering Power to put an end to the colonial situation of Gibraltar and declared that its continuation would be incompatible with the United Nations Charter.

Consequently, according to the doctrine established by the United Nations, the decolonization of Gibraltar must be resolved through negotiations between Spain and the United Kingdom, taking due account of the interests of the population of the colony.

The current process of negotiation between Spain and the United Kingdom emerged following the bilateral Declaration of Brussels of 27 November 1984, which established that, in this process, questions of sovereignty, as well as cooperation for mutual benefit in relation to the future of Gibraltar, would be addressed.

The local authorities of Gibraltar were involved in this process until Mr. Bossano came into office as Chief Minister in 1988. Spain and the United Kingdom have always regretted this self-marginalization. An ever-increasing number of voices in Gibraltar have urged the local authorities to join in the current negotiating process and to renounce the sterile policy of confrontation.

The most recent ministerial meeting in the process initiated in Brussels took place in London on 20 December last with an encounter between the Foreign Minister of Spain and the Foreign Secretary of the United Kingdom. The Ministers reaffirmed their commitment to the Brussels process, demonstrated their agreement on the importance of Gibraltar's having a viable economy, recognized the existence of a problem of smuggling, particularly in drugs, in the Gibraltar area and agreed on the need to establish an effective mechanism, involving the competent local authorities, to improve consultations and cooperation.

Within the framework of that mechanism a Spanish-British working group met, with the participation of the

local authorities. However, very little was achieved, owing mainly to the insufficiency of cooperation from the local authorities of the colony. The situation in this respect is very serious. A great deal of Gibraltar's income is derived from smuggling. More than 200 high-speed launches based in the port of Gibraltar — where they find a safe haven for their operations — indiscriminately bring contraband tobacco and drugs into Spanish territory.

The economic importance of this illicit trafficking, which continues at an increasing pace, is reflected in the following data: in 1993 tobacco smuggling represented, in conservative terms, nearly 20 per cent of the colony's gross domestic product, and in 1995 the value of drugs brought into Spain from Gibraltar without being seized exceeded 200 billion pesetas, which is equivalent to $1.6 billion.

The earnings from this trafficking are laundered in the colony, thanks to the facilities deriving from its peculiar financial system. The smokescreen behind which more than 50,000 companies registered in the colony operate causes a further deterioration in the situation.

I should like to point out that on 7 July last various measures were taken in Gibraltar to restrict certain illicit activities of vessels that are regularly used for drug trafficking. Spain welcomes these initial measures and hope that their strict implementation will be followed by other provisions for the eradication of all types of illicit trafficking in and from Gibraltar.

The Government of Spain is firmly resolved to continue to seek a negotiated solution that will put an end to the dispute over Gibraltar. However, the increase in smuggling from the colony is a new obstacle to the achievement of that goal. Spain desires the prosperity of the people of Gibraltar, but the colony's economy cannot operate on a basis of vice and at the expense of the neighbouring Spanish territory.

Although compliance with United Nations doctrines in respect of Gibraltar does not concern the principle of self-determination but, rather, is a question of territorial integrity, Spain believes that in the process of the decolonization of the territory the legitimate interests of the population and its own characteristics must be taken into account within a broad framework of autonomy.

Spain remains strongly committed to dialogue, and the Spanish Government is fully prepared for all these aspects to be fully guaranteed in a definitive negotiated solution to this dispute, in accordance with the resolutions of the General Assembly.

Today, certain statements have been made before the Committee. I wish, on behalf of my Government, to express a reservation about the position of Spain in this respect, and we reserve the right to bring before the Committee in due time whatever further detail and comments might be considered appropriate.

The Chairman: As there are no further speakers, and taking into account the related developments, I suggest that the Committee continue consideration of this question at its next session, subject to any directives that the General Assembly might give at its fiftieth session and that, to facilitate the Fourth Committee's consideration of the item, the Committee transmit to the General Assembly all related documentation.

It was so decided.

The Chairman: The Committee has thus concluded its consideration of the item on Gibraltar.

Question of East Timor (A/AC.109/2026)

The Chairman: I wish to inform members that a delegation of Sao Tome and Principe, also on behalf of Angola, Cape Verde, Guinea-Bissau and Mozambique, has requested permission to participate in the proceedings of the Special Committee's consideration of the question of East Timor.

If I hear no objection, may I take it that the Committee accedes to this request?

It was so decided.

The Chairman: I wish to draw members' attention to a working paper prepared by the Secretariat (A/AC./109/2026). I also wish to draws members' attention to *aide-mémoire* 5/95/Add.2, containing requests for hearing.

In accordance with the decisions taken at the 1442nd and at this meeting, the Committee will now hear the petitioners whose requests for hearing we have granted.

At the invitation of the Chairman, Mr. Zacarias da Costa (Timorese Democratic Union) took at place at the petitioners' table.

The Chairman: I call on Mr. da Costa.

Mr. da Costa (Timorese Democratic Union (UDT)): As we mark the twentieth anniversary of the Indonesian invasion of East Timor, we are present here once again to petition the members of this Committee to condemn the Indonesian Government's continuing unlawful occupation of the Territory and to reaffirm the inalienable right of the Timorese people to the free exercise of self-determination.

As members will recall, four members of the Timorese Democratic Union (UDT), including Mr. Domingos Oliveira its General Secretary, appeared before this Committee for the first time in 1987 to denounce false claims by the Indonesian Government that the Timorese people had actively sought integration through the signing of the Balibo declaration. I wish to stress that Mr. Oliveira and other Timorese were forced at gunpoint to sign that declaration, which has since been used by the Indonesian Government, together with other fabrications, to justify their continuing presence in the Territory.

Successive representations of the Government of Indonesia have appeared before this Committee and have argued that we, the East Timorese, have exercised our right to self-determination by choosing integration with Indonesia. The Indonesian Government continues to assert this in spite of numerous United Nations resolutions condemning the forced occupation of the Territory and the human rights violations perpetrated by the Indonesian military. It asserts this in spite of growing opposition by their own constituents, who condemn and denounce their own Government's shameful aggression against the East Timorese people, which the Indonesian people themselves interpret as being an affront to their nation's constitution. And it continues to assert this in spite of the visible opposition by the East Timorese, who demand a free act of self-determination by fearlessly voicing their discontent within the Territory and by mounting direct challenges to the Government of Jakarta within Indonesia's own capital.

In terms of international law, the legal and political situation in East Timor has been clearly defined since 1960. I would refer to resolution 1542 (XV) and subsequent resolutions adopted since the Indonesian invasion, including the most recent, the International Court of Justice ruling on the Timor Gap Treaty, which cites East Timor as a Non-Self-Governing Territory. It is important to highlight, nevertheless, that resolution 1542 (XV) was approved within a political framework totally different from that of subsequent resolutions. The first resolution was the fruit of the process of decolonization, which was initiated after the Second World War, while the following ones were the product of an expression of solidarity by the international community with the East Timorese people, who have fallen prey to the neo-colonialist policies of the Indonesian State.

It is ironic to note that 40 years after the Bandung Conference and 35 years after the adoption of resolutions 1514 (XV) and 1541 (XV) by the General Assembly, Indonesia, which was one of the founders of the Non-Aligned Movement, is conducting itself today as a colonial Power over the East Timorese people. In stark contrast, Portugal, in conformity with resolution 1542 (XV) and in accordance with the new political will that surfaced after the Carnation Revolution, in 1974 initiated a decolonization process in the Territory, which was aborted by the Indonesian invasion. Consequently, Portugal has been prevented from fulfilling its duties and responsibilities as the internationally recognized administering Power of the Territory.

Thus, East Timor continues to be an issue that must concern the entire international community, not only in its relevance to international law but as a moral issue rooted in the fundamental rights of humankind. The question of East Timor cannot be dismissed simply as a dispute between the Governments of Portugal and Indonesia. The continuing violation of the East Timorese people's human rights is directly linked to the denial of our rights to self-determination and freely to determine our own future.

With respect to the International Decade for the Eradication of Colonialism, this Committee's Caribbean Regional Seminar on the Midterm Review of the Implementation of the Plan of Action, held at Port of Spain, Trinidad and Tobago, I should like to refer to paragraph 12 of its report, which mentioned that

> "the Seminar heard statements by representatives of Indonesia, Portugal and East Timor, who reaffirmed their commitment to continue their ongoing dialogue to find a just, comprehensive and internationally acceptable settlement to the East Timor issue with the assistance of the United Nations".

In this respect, I should like respectfully to remind the members of this Committee that the seminar, which it organized, approved a paragraph on East Timor, that I have been invited by the Chairman of the Committee and that the language inserted was approved by the United Nations.

At the same seminar, I mentioned that the *erga omnes* character of the rights of peoples to self-determination, as referred to by the International Court of Justice ruling on the Timor Gap Treaty, has been denied to the people of East Timor in all aspects of their lives. It also must be noted with concern that the policies developed by the Government of Jakarta are designed to ensure that this right is not exercised by the East Timorese people. The use of the military in the Territory is an example of this.

As stated at the seminar, the military presence in the Territory is used by the Indonesian Government as a tool of intimidation and oppression, and its presence is felt in all spheres of life. As a State tool, the military is also responsible for perpetrating and reinforcing State-organized violence, which has established an internalized fear in the population. As in most countries under foreign occupation and experiencing armed conflict, the women of East Timor are one of the most afflicted civilian groups as a result of the Indonesian occupation and military presence. The violation of women and the total disregard of their rights is used to instill fear and destroy the community's social cohesion. Women are prevented from earning a living for themselves and their children and are constantly harassed. Those who are raped by the soldiers become outcasts in their own communities and a source of shame for their families. Women have also become a valued commodity in the Territory, as they are forcibly traded for the lives and safety of male relatives who have been detained or targeted by the Indonesian authorities.

Although we welcome the round of talks held under the auspices of the Secretary-General and the support of the Governments of both Portugal and Indonesia for the intra-Timorese dialogue and its continuation, as discussed during the sixth round of talks, we note with concern that Indonesia has thus far failed to comply with the consensual statement, adopted at the last session of the Commission on Human Rights in March of this year, by facilitating a visit to the Territory by the High Commissioner on Human Rights.

We also note with concern that recommendations made by the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, have yet to be implemented by the Indonesian Government. Of greater concern is the escalation of the human rights situation in the territory preceding Mr. Ndiaye's visit. I refer specifically to the night raids by the military-supported "ninjas", the killing of six Timorese in Liquiza and the arbitrary arrest and detention of Timorese civilians.

To conclude, I wish to echo the recommendations of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, particularly with reference to the demilitarization of the territory, respect for the cultural and political identity of the East Timorese and their fundamental human rights, and the reaffirmation of the East Timorese people's right to self-determination — lest we forget the images of the Santa Cruz massacre of 12 November 1992.

The petitioner withdrew.

The Chairman: I thank Mr. da Costa for adhering to the time-limit decided upon by the Bureau. In the same vein, I would appeal to all petitioners to adhere to the 15-minute time-limit.

At the invitation of the Chairman, Mr. David Webster (East Timor Alert Network) took a place at the Committee table.

The Chairman: I call on Mr. Webster.

Mr. Webster: I thank you, Mr. Chairman, for the opportunity to address the Committee today. My name is David Webster. I am a coordinator with the East Timor Alert Network (ETAN) in Toronto, which the United Nations has named as one of the most multicultural cities in the world. Our local ETAN group has hundreds of members and supporters from all regions of the world now living in Toronto.

The East Timor Alert Network is a national association of Canadians working for East Timor's right to self-determination. It was founded in 1987 by the Canadian Council of Churches and now has local groups from coast to coast in seven of the ten Canadian provinces.

The massive human rights violations in East Timor, a Territory that continues to struggle for its United Nations Charter right to self-determination, are no secret. They will be outlined by other presenters today better than I could do. However, I would like to open with the words of Isabel Galhos, who defected to Canada in 1994. Isabel is a young Timorese who grew up under the Indonesian military occupation of her homeland and was regarded as "a bright girl with a bright future" by Indonesian officials. The fact that she took the first available opportunity to leave East Timor and defect to Canada shows the failure of Indonesian efforts to integrate the new generation of Timorese.

Many East Timorese families are now forced to "adopt" two Indonesian soldiers as live-in guests. To quote Isabel Galhos:

> "They come at any time, use anything they want, eat and drink everything and never pay for anything. Everything's free. They really like to be adopted by a family that has a daughter. So besides eating, drinking, everything for free, they can also have sex without any responsibility. Me, my mom sent me to the nuns whenever the military came, which was almost every day. They come any time — 10 o'clock, 12 o'clock at night. They wake everybody up and say they're hungry, so we have to cook for them at that time. We are not free in East Timor, not even in our own homes."

Next month will mark 50 years since Indonesia's declaration of independence from the Netherlands, an event that inspired many of the other colonized peoples of the world. Indonesia had to fight for several years to gain the independence that was its inherent right. Forty years ago, Indonesian President Sukarno hosted the Bandung summit that launched the Non-Aligned Movement, another milestone on the path to decolonization.

But 20 years ago, the Government of Indonesia betrayed its anti-colonial history by invading a neighbouring country: East Timor. In the words of another East Timorese now living in Canada, Barnabé Barreto Soares:

> "Today, Indonesia has become a brutal colonizer itself. But many Indonesians do not want to be in East Timor. It is a shame that the Government of Indonesia keeps maintaining its position to be in East Timor. It violates the principles of its own Constitution."

Twenty years of illegal military occupation cannot be allowed to pass without concrete action by the international community. By the year 2000, East Timor must be well on the road to self-determination, or else the international community will have failed in its moral and legal obligations.

Canadians are very concerned about East Timor. This concern is growing today. To give one example, the General Synod of the Anglican Church of Canada, the highest decision-making body of that Church, passed a resolution on East Timor in June. The resolution expressed support for the Catholic and Protestant churches of East Timor "in their ongoing suffering" and spoke of the Indonesian Government's ongoing assault on East Timorese culture, language and religion. General Synod urged that strong expressions of concern be sent to the Government of Indonesia, that tripartite talks be held between Portugal, Indonesia and the Timorese resistance movement (NRM), and that no arms be sold to Indonesia until the East Timor situation was resolved. Similar support has come from the Catholic Church of Canada as well as from major Protestant denominations.

Canada's trade unions, too, are supporting East Timor more and more. To give one example, the Canadian Auto Workers Union, the largest industrial union in Canada, has called for one half of the overseas aid budget of the Canadian Government to be devoted to the promotion of human rights and asked that aid be tied to respect for East Timor's human rights and right to self-determination.

In this context, I should like to highlight a statement made two years ago on East Timor by the Canadian Labour Congress (CLC), the umbrella for all trade unions in Canada, representing 2.5 million workers. The CLC called upon the United Nations to

> "establish an effective human rights monitoring mechanism for East Timor and to take appropriate measures to ensure that the people of East Timor are freely able to exercise the fundamental right of self-determination.
>
> "While the Canadian Labour Congress agrees with the international community's consistent refusal to recognize the occupation of East Timor by Indonesia, we continue to be dismayed that Governments, including Canada, have continued to conduct business as usual with Indonesia."

The words echo those of the late Bishop of East Timor, Monsignor Martinho da Costa Lopes, who said:

> "I cannot understand why some nations willingly sacrifice the right of self-determination of East Timor in exchange for commerce."

Canada is a prime case of this phenomenon. In many cases, our diplomatic representatives have proved to be strong advocates of human rights in East Timor, a situation that we in the East Timor Alert Network are grateful for. But at the same time, the Government of Canada has identified Indonesia as a leading trade

partner. Vast government assistance has been extended to Canadian corporations looking to expand their operations in Indonesia. Indonesia has become our largest trading partner in South-East Asia.

Such Canadian corporations as the International Nickel Company, Bata Shoes and hundreds of others are providing succour to the Indonesian Government. Without the presence of foreign investors like these Canadian companies, the Indonesian Government would have difficulty meeting the targets of its current development plan. In a recent speech in Toronto, Indonesia's State Minister for Investment said that foreign private investment must double if Indonesia was to meet its goals. Plainly, the Indonesian Government is dependent on outside help.

Canada is a trading nation, but Canadians also understand that we should speak out and take action for a better and more peaceful world. While trade can be a powerful force for good, Canadians have also demonstrated through polls and submissions to the recent foreign policy review that we are a people who want our Government to project positive values. The same is true, I believe, for the people of other countries — including the people of Indonesia.

On East Timor, the Government of Indonesia has proved to be intransigent, repeatedly refusing the reasonable request for a referendum on self-determination. Countries that are confident of their position allow such referenda. Once again, Canada provides an example of this: the province of Quebec will vote on whether or not to become an independent country this year, despite the fact that Quebec joined Canada freely 125 years ago, helped to shape the modern State of Canada and has suffered few human rights violations. If Quebec may vote, why not East Timor, which is so clearly an occupied Territory?

With the Indonesian regime refusing to make meaningful changes on the basic issue of self-determination, the time for quiet diplomacy is past. Twenty years of occupation is more than the world should tolerate. The international community must act to ensure that East Timor is granted the right to choose its own future. One excellent path to follow would be that proposed by the National Council of Maubere Resistance of East Timor in its peace plan, reaffirmed on several occasions in the past few years.

The East Timor Alert Network calls on this Committee to recommend a strong resolution to the General Assembly this year. We further ask that the resolution call for an international embargo on the sale of weapons to Indonesia as long as it illegally occupies East Timor. Finally, a resolution should include the recognition that, in many cases, corporations have become larger players in the world scene than many nation States. Therefore, a resolution should call upon corporations as much as Governments to consider the right to self-determination of East Timor in their dealings with the Government of Indonesia.

At the invitation of the Chairman, Mr. Kan Akatani (Free East Timor Japan Coalition) took a place at the petitioners' table.

The Chairman: I call on Mr. Akatani.

Mr. Akatani (Free East Timor Japan Coalition): At the first All-Inclusive Intra-Timorese dialogue, held in Austria this past June, Mr. Guilherme Maria Gonçalves, the first Governor of East Timor under Indonesian rule, stated that he had repudiated the Balibo declaration. The statement is important, since Mr. Gonçalves is one of the six signatories of that declaration.

The Balibo declaration is what is usually referred to as the "integration declaration", which is said to have been signed by six leaders of four East Timorese political parties in Balibo on 30 November 1975, two days after the Frente Revolucionária de Timor Leste Independente (FRETILIN) declared independence in Dili.

Mr. Gonçalves is not the first among the signatories to repudiate the declaration. Mr. José Martins, president of the Kota Party, wrote in his report of April 1976 that the declaration was imposed by BAKIN, the Indonesian intelligence coordinating agency. He also wrote in the same report that the document was prepared inside Indonesian territory, more than 1,000 kilometres from East Timor. Mr. Domingos de Oliveira of the Timorese Democratic Union (UDT) categorically denied the validity of the declaration, saying that three of the signatories, himself included, were forced by Indonesia to sign it on the Island of Bali, on Indonesian territory. Finally, this Committee heard from UDT leader Mr. João Viegas Carrascalão, at its 1987 hearing, that the UDT had never asked Indonesia to intervene.

Indonesia, however, continues to this day to call this declaration "a manifestation of the genuine wish of the people of East Timor in general". A renowned Indonesian academic, Mr. George Aditjondro, pointed out that the Balibo declaration is one of the five historical

myths about East Timor propagated by the Indonesian Government: the myth that the majority of the people of East Timor desire integration. Mr. Aditjondro now stays abroad, refusing to obey the summons issued by the police of his homeland. It is widely believed that his published studies on East Timor have angered the Government, although the charges do not appear to include reference to them.

The declaration, though a myth, has been repeatedly mentioned in Indonesian official documents, statements, pamphlets, school textbooks, mass media and so on. However, little is known about the circumstances in which the declaration was drawn up and announced. There was no official ceremony of proclamation attended by supporters. There was no gathering of the four parties to adopt the declaration.

Legally speaking, the Balibo declaration is at best a statement by a part of the people of East Timor. The fact that some of the signatories were forced by Indonesia to sign and that the UDT had not given its approval as a party to the document inevitably further erodes its validity, even as such a statement.

I should like to submit to the Special Committee on Decolonization the result of my investigation into the Balibo declaration. What has become clear from my investigation is that Indonesia, by manipulating information or language — where Indonesian intelligence was at its best — appears to have tried to deceive both the East Timorese and the international community.

In particular, I should like to call the attention of the Committee to the English version of the declaration submitted by Indonesia to the Fourth Committee in December 1975. Then, I should like the Committee to compare this with an original English version published in Indonesia and the other original English version, transmitted to the Portuguese Government. These original English versions are a translation from the original Portuguese version.

The formal differences between the United Nations version and the other two original English versions are immediately noticeable. The Indonesian Government completely rewrote the declaration. It appears that the reason was not to present a neater English translation to the United Nations, because it is in no sense a translation of the Portuguese version, but to remove problematic sections of the original English version that otherwise would have invited speculation about the circumstances in which the declaration was drawn up. Three omissions and three problematic additions are discussed in the paper attached to this statement.

I should like to draw the attention of the Committee to the three omissions.

The first is a criticism of the Portuguese "consent" to FRETILIN's action. The original English version, in the very first paragraph, upbraids Portugal for giving its consent to the unilateral declaration of independence by FRETILIN, although Portugal did not in fact do so. The United Nations version does not mention "consent", but refers only vaguely to "the attitude of the Portuguese Government concerning it" that is, the proclamation of independence. Then it condemns the unilateral action of FRETILIN, as it "contradicts the real wish of the people of Portuguese Timor".

Why did the drafters of the original declaration state that Portugal had given its consent to FRETILIN's unilateral declaration of independence?

The Indonesian news agency, Antara, reported on 29 November 1975 that the Indonesian Government, in a press release, had criticized the Portuguese Government for clearly signalling an approval of FRETILIN's unilateral action of proclaiming of independence. On 1 December of that year, Antara reported that

> "the unilateral declaration of independence by Fretilin, which was approved by Portugal, is a clear violation of the Memorandum of Understanding in Rome",

and quoted UDT leader Mr. Francisco Lopes da Cruz as saying,

> "Therefore, we too regard ourselves not bound anymore by the Rome agreement".

The disappointment supposedly felt by the drafters of the declaration originates in the actions of two parties, FRETILIN and the Portuguese Government, and this perception appears to be what led the drafters to conclude that there was no longer any possibility for negotiations. After these Antara reports, however, the Indonesian Government never described the Portuguese attitude as one that expressed or implied approval of FRETILIN's action.

The omission of this reference in the United Nations version suggests that Indonesia was trying to conceal the fact that one of the two pillars on which the basic arguments of the declaration stood was misinformation. This misinformation is highly likely to have come from the Indonesian side.

The second omission is that of any mention of the Netherlands. The original version attributes the separation of East Timor and West Timor to two colonial Powers, Portugal and the Netherlands. The United Nations version, however, speaks in terms of a 400-year separation of East Timor from Indonesia, a separation it attributes solely to Portugal.

Indeed, the original version carefully avoids stressing ethnic similarities between the East Timorese and the Indonesian people in general. In the original version it is with the Indonesians of the island of Timor — that is to say, the people of West Timor — that the East Timorese are described as having ethnic, moral and cultural ties. And it is with the Indonesian State, not the people of Indonesia, that, it is hoped, East Timor's strong traditional ties will be resumed.

Such language suggests that for the Timorese drafters integration was still seen as a painful option. It was chosen because the drafters' homeland was now ruled by their political enemies and because that rule was reported to have been approved by the responsible party, Portugal. But the United Nations version, by presenting us with the picture that the people of East Timor had long aspired to integration with the Indonesians in general, conceals the drafters' sentiment that the integration was, rather, a last resort.

The third omission, and perhaps the most important one, is the whole second paragraph. This paragraph laments that

> "the conditions for the self-determination of Portuguese Timor people regarding to choose freely its own destiny were not carried out in execution".

This perhaps refers to the lack of a referendum, since a referendum continued to be the main goal of the four parties.

From documents which were made available to me, it is clear that the four East Timorese parties continued to support the idea of a referendum even after the Balibo declaration. The drafters' aim was to restore peace and order. They wanted to restart a new decolonization process under normalized conditions which was to have culminated in a referendum.

The Balibo declaration did not ask Indonesia to eliminate the political enemies of the four parties. It did not ask Indonesia to rescue the people of East Timor as a whole from misfortune. It did not ask Indonesia to realize integration by force on behalf of the East Timorese. It asked Indonesia only to protect the lives of those who now regarded themselves as Indonesians.

It is true that the Balibo declaration was used as an excuse for Indonesia to intervene. But what Indonesia actually did was far more destructive than had been anticipated. Indonesia must have been fully aware of what it was going to get from this declaration and what had to be hidden when it was presented to the international community. This means that Indonesia was consciously intervening in what were basically the affairs of East Timorese society.

Here I recall an interesting piece of information we got from a Japanese Government official. According to that information, Indonesia told Japan that it would withdraw from East Timor when order was restored there. Then, according to the official, there was a heated discussion among Japanese officials, and most of them believed what Indonesia had told them. The question of whether the East Timorese leaders were also deceived, like the Japanese officials, is yet to be answered. But if at the time of the Balibo declaration the East Timorese leaders still had not abandoned the idea of a referendum, which is in fact very likely, then we must say that what the declaration asked Indonesia to do was quite different from what Indonesia actually did.

It is not too late for the international community to realize this hidden fact of the declaration and to know exactly what happened at this crucial point in the history of this disputed area. The Balibo declaration is just another example of Indonesia's intervention in the affairs of the East Timorese. Indeed, there is a persistent pattern of such intervention by Indonesia in the history of this problem. Indonesia had the view that an independent East Timor would easily become a target for intervention by other countries. But, ironically, it was only Indonesia that actually intervened.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Azancot de Menezes (Timorese Defence Association) took a place at the petitioners' table.

The Chairman: I call on Mr. de Menezes.

Mr. de Menezes (Timorese Defence Association) (*interpretation from Spanish*): The Timorese Defence Association thanks you, Mr. Chairman, for the opportunity to speak before the Committee.

The seventh of December of this year will mark the twentieth anniversary of the annexation of East Timor by the Indonesian military forces. That anniversary represents 20 years of imprisonment, torture and summary executions of Timorese children, women and men, 20 years of genocide against the people of East Timor, bringing death to more than 200,000 Timorese — a third of the population.

During these 20 long years the Timorese resistance has remained alive and resolute in its resistance to the occupation by the Indonesian forces. That is possible only because the guerrillas have the unquestionable support of the population. This clearly demonstrates the people's rejection of the integration of East Timor into Indonesia and its determination in the struggle against the invader. This, difficult though it may be for the Soeharto regime to accept, is the overriding proof that the Timorese population's culture and particular way of life is not to be identified with Indonesia.

However, the rejection of the integration of East Timor into Indonesia is not the only issue here. Irrespective of the existence or non-existence of opposition to the occupation by Indonesia, the key point is that there have been verifiable violations of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights — in sum, the International Bill of Human Rights. The real issue here is that the people of East Timor have been denied the opportunity freely to choose their destiny because the various relevant resolutions of the General Assembly and the Security Council have not been implemented.

These and other issues relating to the question of Timor were analysed and discussed at the International Inter-Parliamentary Conference on East Timor, which met in Lisbon from 31 May to 2 June of this year. The Timorese Defence Association and other Timorese organizations participated in that Conference, which was also attended by Members of Parliament from States of the European Union, such as Austria, Belgium, Denmark, Spain, Greece, the Netherlands, Ireland, Luxembourg, the United Kingdom and Sweden; Members of Parliament from European countries non-members of the European Union, such as Cyprus, Latvia, Poland, the Czech Republic, Romania and Switzerland; Members of Parliament from American States, such as Argentina, Brazil, Peru, Uruguay and Venezuela; Members of Parliament from States of Oceania, such as Australia and New Zealand; Members of Parliament from Asian States, such as Japan and Thailand; and Members of Parliament from African States, such as Angola, Cape Verde, Guinea-Bissau, Mauritius, Mozambique and Sao Tome and Principe. Also present were many foreign personalities, there to defend the Timorese people's right to self-determination.

We wish to take this opportunity to hail all the countries and international organizations that attended the Inter-Parliamentary Conference in Lisbon, and in particular our brothers from Angola, Cape Verde, Guinea Bissau, Mozambique and Sao Tome and Principe.

The participants were unanimous in condemning Indonesia and in demanding complete compliance with the resolutions of the United Nations on East Timor. Many other recommendations were adopted on the question of the self-determination of the Timorese people. These recommendations are included in the document of the Conference — the Lisbon Declaration — which was later made public.

The growing expressions of support for the cause of East Timor, which have included the presence of 70 Members of Parliament and senators from all continents at the Lisbon Inter-Parliamentary Conference on East Timor, not only demonstrate solidarity with the Timorese people but also represent principally a criticism of the United Nations lack of consistency.

This lack of consistency can be seen in the fact that, according to the principles of the Charter of the United Nations and General Assembly resolutions 1514 (XV) and 1541 (XV) of 14 and 15 December 1960, respectively, the peoples of Non-Self-Governing Territories are empowered freely to choose independence, integration with an independent State or association with an independent State.

It is also inconsistent because, according to the Principles annexed to resolution 1541 (XV) of 15

December 1960, a Non-Self-Governing Territory can achieve full autonomy only when, first, integration with an independent State is on the basis of complete equality between the peoples of the erstwhile Non-Self-Governing Territory and those of the independent country with which it is integrated; secondly, when the integrated territory has attained an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes; and thirdly, when the integration is the result of the freely expressed wishes of the people of the Non-Self-Governing Territory, as determined through democratic methods.

None of this has occurred since the invasion and annexation of East Timor. On the contrary, Indonesian forces have caused the deaths of more than 200,000 Timorese people. They torture and detain indiscriminately; they rape adolescents; and they are carrying out a policy of true cultural genocide through, in particular, the destruction of family and social structures, the imposition of a foreign language and the banning of the Portuguese language, and through restrictions on the freedom of the Catholic Church.

In the face of this holocaust in a territory under Portuguese administration, the United Nations, displaying a complete lack of consistency, has limited itself to producing resolutions without subsequently acting in accordance with them.

The Timorese Defence Association proposes, in conformity with its statutes, to be an advocate for the international situation of the Timorese people from the perspective of defending the values of human rights and democracy and of taking a stand with regard to events. We are convinced that human-rights violations in East Timor will end only with the withdrawal of Indonesian forces from the Territory and with the re-establishment of the rule of law.

The Timorese Defence Association, which was founded by dozens of Timorese nationalists and is headed by Timorese people, demands the return of Portugal so that, with the help of the United Nations, other States and international organizations, the decolonization process, which was interrupted by the invasion and annexation of East Timor, can be completed.

The Timorese Defence Association, also on the basis of recent messages received from East Timor from the leader of the Timorese resistance, Shalar Kosi, rejects any solution that would lead to "special autonomy for East Timor", namely, the integration of East Timor with Indonesia.

The Timorese Defence Association desires self-determination for East Timor until a truly just, dignified and honourable solution is reached for its people.

In view of the current situation, the Timorese Defence Association recommends to the United Nations to ensure as urgently as possible the implementation of the following measures:

First, acceptance of the representation of East Timor before the United Nations by envoys from all the Timorese organizations recognized by the administering Power as defenders of the human rights and the cause of the people of East Timor;

Secondly, the opening of the Territory of East Timor to journalists and international organizations that defend human rights;

Thirdly, the release of all Timorese political prisoners from the prisons of Indonesia and East Timor;

Fourthly, the proclamation by the United Nations, according to the Lisbon Declaration, of 7 December as the international day for East Timor;

Fifthly, the withdrawal of the Indonesian military forces from East Timor and their replacement by United Nations police forces;

And sixthly, the implementation, in phases, of Security Council resolutions relating to the self-determination of the people of East Timor.

Before concluding, we should like to make a strong appeal to the United Nations, during the celebration of its fiftieth anniversary and given the recent statement of the Hague tribunal on the illegal occupation of East Timor by Indonesia, to make a sincere and major contribution to resolving, in accordance with the provisions of the Charter of the United Nations, the situation in East Timor.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Warren Allmand (Parliamentarians for East Timor) took a place at the petitioners' table.

The Chairman: I call on Mr. Allmand.

Mr. Allmand (Parliamentarians for East Timor): My name is Warren Allmand. I am a member of the Canadian Parliament and also a member of Parliamentarians for East Timor (PET). PET is an international organization comprising more than 350 Members of Parliament, senators and elected representatives from 50 countries. All its members support human rights for East Timor and are dedicated to having their respective countries recognize East Timor's inherent right to self-determination.

PET members recognize that the East Timorese have been denied their right to self-determination. Hence, our organization welcomes the consultations that the Secretary-General is currently moderating between Portugal and Indonesia with a view to exploring avenues for achieving a comprehensive settlement of the problem. Parliamentarians for East Timor acknowledges the steps which have been taken to bring Portugal and Indonesia into negotiations. However, we also believe that these negotiations will not lead to a just settlement unless they do the following: firstly, involve representatives of the East Timorese people, including those who resist the present occupation; secondly, secure an end to hostilities which prevent the people of East Timor and their representatives from contributing freely to negotiations leading to self-determination; thirdly, provide internationally acceptable conditions of access to relief and development agencies and to independent visitors, journalists and diplomats; and fourthly, include an act of self-determination free from interference and verified by international observers acceptable to the East Timorese people.

In June of this year, more than 100 Members of Parliament from 32 countries met in Lisbon to discuss East Timor and to develop a plan of action. The Lisbon Declaration, as the plan of action is referred to, included action for national Parliaments as well as for the United Nations. I will not go through the entire Declaration, as I have made copies available to members of the Committee. However, I wish to take a moment to highlight aspects that specifically relate to the United Nations.

Members of PET exhort the Republic of Indonesia to abide by United Nations resolutions on East Timor; call on the United Nations to ensure respect for human rights in East Timor; urge the United Nations and all Governments and Parliaments of the countries that have been selling arms to Indonesia to take measures aimed at enforcing an international embargo on such trade; demand the immediate release of Xanana Gusmão and all Timorese political prisoners held in custody in Indonesia and East Timor; urge United Nations Member States, specifically the Powers with influence in the area, to cooperate in the search for an internationally acceptable solution that would enable the East Timorese people to exercise their inalienable right to self-determination; request the United Nations to proclaim 7 December as the International Day of East Timor; pay tribute to the heroic and tragic saga of the people of East Timor in their struggle for freedom and the preservation of their centuries-old identity; request the Secretary-General to call on the Government of Indonesia to comply with the recommendations of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, which have so far been ignored; request the Commission on Human Rights to call on the Government of Indonesia to report to the Commission on Indonesia's compliance with the recommendations of the Special Rapporteur; and request the United Nations High Commissioner for Human Rights to visit East Timor and to report to the Secretary General, the Commission on Human Rights and the international community on compliance by Indonesia with the report of the Special Rapporteur on summary executions, the reported abuses of fundamental human rights and the compliance of Indonesia with its duty to accord to the people of East Timor the right to self-determination accorded to them by international law.

As the Committee is well aware, there are many documented reports outlining the gross, flagrant and ongoing human rights violations in East Timor. One document that to date has not been made public is the report of Canada's Ambassador to Indonesia, Mr. Lawrence Dickenson, on his visit to East Timor in February of this year. There are many important findings contained in this report that I wish to bring to the attention of this Committee. The document reads more like an Amnesty International report than one by a Canadian Ambassador. It outlines human rights violations as facts. Perhaps that is what makes this report so valuable — and, until now, so downplayed by the Canadian Government. Indonesia, I must note, is also an economic and political partner of Canada. At the same time, human rights are an important aspect of Canadian foreign policy. Therefore, this report is all the more important given the context.

The report noted that this had been "the most disturbing visit by [the] Embassy in [the] post-November-1991 period". This is a reference to the Dili massacre, where the Indonesian military opened fire and killed hundreds of East Timorese, wounding several hundred

others; to date more than 200 remain unaccounted for. The Embassy notes that there has been a military crackdown in East Timor since the Heads of State left the meeting of the Asia-Pacific Economic Cooperation (APEC) forum that was held in Jakarta in November 1994. The report goes on to note that

> "this action has consisted of intimidation, stepped up military and police visibility, arrest and ... ill-treatment, and since January 1995 a number of cases of death, disappearance and severe beatings".

In early 1995, the Ambassador described the situation in East Timor as having "recently taken a decided turn for the worse". Ambassador Dickenson goes on to document the many cases of arrests, intimidation, beatings and torture of detainees, the murder of members of the civilian population, and the "ninja" vigilante gangs that had been raining terror on Dili. Mr. Dickenson summarizes:

> "... all in all, a picture of a concerted, if poorly coordinated, attempt by security forces to neutralize opposition to Indonesia's rule in East Timor. Ominously, a number of our contacts described the situation as very much like the period immediately prior to 12 November 1991".

Canada's Ambassador visited every major region in East Timor in order to provide the Canadian Government with a complete overview of the human rights situation in East Timor. He said,

> "With regard to the Liquica killings in January 1995, the most credible reports ... were that the six people killed in Liquica were each tied up and shot twice in the head at close range".

When the Canadian delegation arrived in Dili, a curfew was in effect due to the "ninja" gangs that were terrorizing the citizens. Canada's Ambassador himself questioned why he was told not to leave his hotel at night, given that the military and police chief had said that the "ninjas" were only rumours. The Ambassador then notes:

> "coincidentally, the police chief announced later the same day that 12 persons had been arrested in connection with the 'ninja' activities and that the streets were now safe".

In Baucau, after investigating the 1 January riots, the Ambassador noted that the casualties might be much higher than previously reported. The Canadian delegation also

> "heard reports about a door-to-door campaign to warn local residents against reporting family members missing. We were told ... that the victims of the shooting brought to the hospital were warned both by their doctors and by military personnel not to divulge the true origin of their injuries".

In Suai, the Ambassador notes, the local hospital reports difficulty in administering inoculations

> "because the local population is wary of medical services, apparently because of past experiences with population control programmes".

All in all, the Ambassador concludes that there is indeed a military crackdown in East Timor that has led to increased human-rights violations. However, the report ends there, with no proposed solutions for the intolerable situation that has continued for almost 20 years.

In the words of the 30 June 1995 decision of the International Court of Justice on the case between Portugal and Australia:

> "Portugal's assertion that the right of peoples to self-determination, as it evolved from the Charter and from United Nations practice, has an *erga omnes* character, and is irreproachable. The principle of self-determination of peoples has been recognized by the United Nations Charter and in the jurisprudence of the Court ... It is one of the essential principles of contemporary international law".

Further, the Court emphasized

> "that, for the two Parties, the Territory of East Timor remains a Non-Self-Governing Territory and its people has the right to self-determination".

Self-determination is described as a right *erga omnes*, one that is binding on all States. This indicates that the Court's determination extends to Indonesia. Although the Court decided in favour of Australia, this ruling endorses the key point of the Portuguese argument.

As the recent report by Canada's Ambassador to Indonesia clearly demonstrates, and as testimony presented today will further support, there is ample evidence that human rights violations in East Timor are continuing to mount under the illegal Indonesian occupation. As the decision of the International Court of

Justice further demonstrates, East Timor has never been granted the opportunity to exercise its inherent right to self-determination. Therefore, Parliamentarians for East Timor calls upon the Special Committee on decolonization to make without delay a recommendation to the next session of the General Assembly that a draft resolution on East Timor be put forward, calling for the withdrawal of Indonesian troops and a free, fair and United Nations-monitored election on the issue of self-determination. If the Special Committee submits such a recommendation, the Committee can be assured that members of Parliamentarians for East Timor in all 50 countries where we have such members will actively lobby their United Nations representatives to support such a draft resolution.

I thank members for the opportunity to address this Committee and commend them in their goal of achieving complete decolonization by the year 2000.

The petitioner withdrew.

The meeting rose at 1.10 p.m.

United Nations A/AC.109/PV.1444

General Assembly

Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1444th Meeting
Tuesday, 11 July 1995, 3 p.m.
New York

Acting Chairman: Mr. Bangura . . . . . (Sierra Leone)

The meeting was called to order at 3.40 p.m.

The Chairman: Let me first express my regret that there has not been a positive response to the appeal that I made at the end of the last meeting. Instead of beginning at three o'clock, as I hoped, we are starting almost 45 minutes late. This delay will have an adverse impact on our deliberations, and I can only hope that it will not be repeated.

I should like in particular to repeat my appeal to the petitioners that they adhere to the limit of 15 minutes.

Requests for hearing

The Chairman: I wish to draw members' attention to the additional requests for hearing, which have been circulated in *aides-mémoire* 5/95/Add.3 and 14/95, relating respectively to East Timor and the United States Virgin Islands.

We shall first take up the requests for hearing on the question of East Timor. If there are no objections, may I take it that the Committee decides to accede to the requests?

It was so decided.

The Chairman: We shall next take up the request for hearing on the question of the United States Virgin Islands. If there are no objections, may I take it that the Committee decides to accede to this request?

It was so decided.

Question of East Timor (A/AC.109/2026) *(continued)*

The Chairman: We shall now continue the hearings on the question of East Timor.

At the invitation of the Chairman, Mr. Max B. Surjadinata (East Timor Religious Outreach) took a place at the Committee table.

The Chairman: I call on Mr. Surjadinata.

Mr. Surjadinata (East Timor Religious Outreach): I am Rev. Max Surjadinata, pastor of Mount Vernon Heights Congregational Church in Mount Vernon, New York, a social worker and north-eastern Coordinator of East Timor Religious Outreach in the United States.

The testimony I am presenting was prepared by the National Coordinator of East Timor Religious Outreach, Rev. John Chamberlin, pastor of First St. John's United Methodist Church in San Francisco, California.

> "The issue of the decolonization of East Timor is once more before this Committee. The overthrow of the military dictatorship in Lisbon in April 1974 — commonly known as the Carnation Revolution — marked the beginning of the end of the Portuguese colonization of East Timor. In the immediate aftermath, East Timorese political parties began the process of decolonization, in cooperation with the new local Portuguese administration. A brief civil war, instigated by an Indonesian intelligence operation aimed at bringing about the integration of East Timor into Indonesia, however,

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helped to subvert the decolonization process. Immediately after the civil war ended in September 1975 the Indonesian army began military incursions into East Timor, culminating in a full-scale attack on the Territory on 7 December 1975.

"Almost 20 years later, and in the context of an ongoing Indonesian occupation, Portugal remains the administering Power of East Timor under international law, owing to the fact that the Territory has never undergone a formal process of decolonization. Each year at this time, however, this Committee, rather than receiving reports of decolonization in East Timor, hears accounts of a brutal and involuntary recolonization of the Territory by the armed forces of Indonesia.

"East Timor Religious Outreach (ETRO) wishes to add its testimony to the Committee's record today. East Timor Religious Outreach is a coalition of clergy and laity in the United States of America that attempts to assist the East Timorese in achieving peace with justice in their tortured nation and true self-determination consistent with the United Nations Charter and relevant Security Council and General Assembly resolutions.

"In October 1994, in my capacity as Coordinator of East Timor Religious Outreach, I visited East Timor on a fact-finding mission. Although I was on a pastoral visit, I travelled alone and entered the country on a tourist visa, as I wanted to minimize the possibility of attracting the attention of the Indonesian military authorities.

"Even though I had been working for several years on the issue of East Timor, I was profoundly unprepared for the physical, psychological and spiritual reality that confronts any visitor to that land. I had been to El Salvador, Honduras and Guatemala during the height of military repression in those countries, but I had never witnessed fear and terror such as I experienced in East Timor.

"Visitors to East Timor must be prepared to be followed and should anticipate having all their movements monitored. East Timorese young people with whom I spoke intimated that they fully expected to be picked up almost immediately after our conversation and arrested, interrogated and beaten. Knowing this, many were nevertheless willing to take great risks to speak to me. I heard many first-hand accounts of the torture of students and others suspected of pro-independence sentiments and/or attempting to pass information about human rights violations to the outside world.

"In casual conversations individual names are seldom mentioned. Even the most innocent remark, overheard and misunderstood, could get someone killed. Day-to-day life reveals unremitting tension and frequent terror. Extrajudicial executions, the systematic rape of East Timorese women and forced birth control abound.

"I visited with a number of religious leaders in Dili and elsewhere. I was forced to register with the local authorities upon my arrival in each locale and to report where I would be residing. For this reason, I have chosen not to report publicly the particulars of any of my conversations.

"But I now know beyond question that the Indonesian Government's claim that the vast majority of East Timorese favour 'integration' with Indonesia is cynical propaganda. How could the Indonesian Government credibly claim to know the true feelings of the East Timorese? Basic freedoms of speech and assembly exist in East Timor only for those who profess loyalty to the Indonesian policy. Indonesian prisons contain far too many East Timorese jailed for non-violent acts of political advocacy to suggest otherwise. Indeed, were the Indonesian authorities confident of the validity of their own propaganda, they would gladly accede to the demands of the United Nations for the holding of an internationally supervised act of self-determination in the former Portuguese colony.

"Last November, during the meeting of the Asia-Pacific Economic Cooperation Council in Jakarta, the world focused much of its attention on the discontent of the East Timorese youth with Indonesian rule. But East Timor's religious leaders have also expressed serious concern. Representatives of East Timor Religious Outreach have held consultations with Roman Catholic Bishop Carlos Ximenes Belo, Apostolic Administrator of Dili and titular head of the Roman Catholic Church in East Timor, and with the Reverend Arlindo Marcal, Moderator of the Protestant Church in East Timor. Bishop Belo continues to speak out on the gross violations of human rights in East Timor and to call for a complete military withdrawal and an

internationally-supervised plebiscite on self-determination in the former Portuguese colony. Reverend Marcal has taken a similar stance, stating that:

> 'Integration can only be accepted as a result of the implementation of the right of self-determination of the East Timorese people. The East Timorese should be provided the opportunity to determine for themselves whether they want to be integrated into Indonesia or not.'

"The concern expressed by East Timorese leaders mirrors the increasing awareness of the issue of East Timor within religious bodies in the United States of America. Various denominations at the regional and national levels are preparing position papers, resolutions and overtures in support of East Timorese self-determination. And Bishop Melvin Talbert, President-elect of the National Council of Churches in the United States, has called repeatedly for an end to the Indonesian occupation of East Timor. Writing in *Sequoia*, the journal of the Northern California Ecumenical Council, Bishop Talbert stated:

> 'We must persuade the Indonesian Government to end its occupation of East Timor, just as we persuaded the South African Government to end apartheid.'

"In February 1989, Bishop Belo called upon the then United Nations Secretary-General, Mr. Pérez de Cuéllar, to support and facilitate the decolonization of East Timor and the holding of a United Nations-sponsored referendum on self-determination. In his letter to the Secretary-General, Bishop Belo stated:

> 'We are dying as a nation and as a people'.

Despite Jakarta's claim to the contrary, the situation within East Timor has not improved. Bishop Belo recently pronounced:

> 'The situation is as bad as ever ... We live in a scorched land.'

More than ever, we must heed Bishop Belo's plea for justice.

"Fifty years after the founding of the United Nations, the continuing occupation of East Timor is a sad and tragic stain on this world body's record. In the name of international law, human rights and basic human dignity, we urge this Committee to use all available and appropriate means to end the recolonization of East Timor by the Indonesian Government and to permit the East Timorese to exercise their right to self-determination."

That concludes the testimony of Reverend Chamberlain of St. John's First United Methodist Church. I would simply like to add some brief statements and personal observations of my own.

I am an Indonesian-American. I am the son of an Indonesian pastor who was imprisoned and subsequently executed by Japanese occupation forces in Indonesia during the Second World War. My stepfather is a retired member of the Indonesian Parliament and served from 1966 to 1971. I received my early schooling in Jakarta, Indonesia, and I remember with pride and joy when Indonesian independence was proclaimed in 1945. Like many Indonesians, I happily welcomed the official transfer from colonial dependence to Indonesian sovereignty when it took place in 1949. I continue to have a strong attachment to the country of my birth.

However, for the past 20 years I have watched with deep sorrow and sadness the occupation and recolonization of East Timor by the Government of a country — Indonesia — that itself experienced the deep longing for self-determination and subsequently tasted freedom and independence. Since the Santa Cruz massacre of 12 November 1991, when innocent marchers on their way to a funeral were mercilessly gunned down by Indonesian soldiers and two of my American friends became innocent victims during this incident, I have become one of the principal organizers of the annual Interfaith Memorial and Prayer Service for the People of East Timor that is held each November at the Church Centre for the United Nations right across the street from these premises.

I am in contact with numerous Indonesian-Americans and with many other Indonesians who remain in Indonesia. Let me assure you that the sentiments I express are shared by growing numbers of Indonesians. Those living in Indonesia risk persecution and arrest if such opinions are expressed openly. Indonesians living in the United States, even those who are citizens, often fear — with some justification — that if they speak out publicly against Indonesia's shameful and illegal

occupation of East Timor they will not be permitted to return to visit their families.

The Special Committee's efforts to end the recolonization of East Timor and to ensure true self-determination for that suffering nation will be applauded by East Timorese; these efforts will be welcomed by Indonesians as well.

Mr. Surjadinata withdrew.

At the invitation of the Chairman, Mr. Michael Ede (Australian Coalition for a Free East Timor) took a place at the petitioners' table.

The Chairman: I call on Mr. Ede.

Mr. Ede (Australian Coalition for a Free East Timor) (ACET): The Australian Coalition for a free East Timor (ACET) welcomes this opportunity to address its concerns to the United Nations Special Committee on Decolonization. We are deeply disturbed that, after 20 years of international scrutiny of the Indonesian Government's illegal invasion and occupation of East Timor, the East Timorese have yet to exercise their inalienable right to self-determination.

However, we are pleased to note that, despite the passage of 20 years, the international community remains seized of the situation in East Timor. If anything, the international community is becoming more aware of the arrogant brutality of Indonesian rule in East Timor. The refusal of the East Timorese to accept their forced integration or to suffer in silence cannot be denied. We are relieved, as we are sure the East Timorese are, that the international community has not abandoned them. We take great heart from the fact that this issue is still being discussed at the United Nations today.

ACET is a network of organizations in Australia created to support, where possible, the right of the East Timorese to self-determination. These organizations draw their membership from a broad spectrum of Australian society, including academics, trade union representatives, members of most religious denominations and humanitarian aid organizations, and members of all political parties.

With successive Australian Governments failing to pursue a moral or just policy towards the East Timorese, organizations in ACET offer ordinary Australians one means of letting the East Timorese and the international community know that many Australians disagree with Australia's official actions on this issue.

Some of these organizations have been in existence since before the Indonesian invasion and have, in the intervening years, played their role as a conduit to the world for information from inside East Timor. In making this presentation today, we are drawing on that history of knowledge and concern with the fate of the East Timorese.

In considering how we might act today on this issue, it is important that we have a clear understanding of what has actually been happening in the last 20 years inside East Timor itself, and what is happening there now.

The Indonesian invasion and occupation of East Timor began on 7 December 1975 and was condemned by the General Assembly and the Security Council. East Timor never threatened Indonesia militarily or in any other way. Indeed, it was never a threat of any sort to the much larger Indonesia.

The legal dimensions of the East Timor problem are probably the least controversial issues. It is undeniable that the Indonesian invasion and occupation violated the fundamental norms of international law. First, the operation deprived East Timor of its right to self-determination, and secondly, the military intervention itself constituted an act of aggression in contravention of the Charter of the United Nations and customary law.

On the question of the right to self-determination, one important reference is the Declaration on the Granting of Independence to Colonial Countries and Peoples — resolution 1514 (XV). This recognizes that Non-Self-Governing Territories have the right to self-determination and that their peoples have the right to determine their status upon completion of a process of decolonization.

Despite Indonesian Government claims, such a process has never occurred in East Timor. The legitimacy of the Indonesian Government's alleged procedures in Dili in May 1976 have since been denied by East Timorese participants. Analysis in later years has shown that the majority of the East Timorese population was outside Indonesian control in 1976 when the so-called Popular Assembly voted to integrate with Indonesia.

Even better understood is the now well-documented suffering of the East Timorese under Indonesian military occupation. Within four years of the occupation, East Timor's population had been decimated. East Timorese were saying that up to half their population of 700,000 had died. A comparison of pre-invasion population figures and an Indonesian Government census in 1980 indicated that between 150,000 and 200,000 East Timorese were missing.

It is believed that there were many killings of East Timorese in the early months of the invasion and then in Indonesian military campaigns from late 1977 to early 1979. A major cause of death in those years was starvation, as East Timorese were herded into strategic settlement camps and denied access to land and to international humanitarian aid. No international aid agency was permitted by Jakarta to operate in East Timor until mid-1979.

Whatever the actual number of deaths, East Timor ranks high on the list of countries or Territories showing significant loss of life at the hands of a military oppressor. This experience remains deeply etched in the hearts and minds of all East Timorese.

In the years since 1980, the Indonesian Government has claimed that its economic development programme in East Timor is evidence of East Timor's successful integration with Indonesia. However, this programme has done nothing to benefit the East Timorese people or to lessen the impact of continuing military rule in East Timor, the climate of fear in the Territory or the continuing wish of the East Timorese for self-determination.

The real nature of Indonesian military rule was clearly shown to the world through the filming of the massacre of unarmed civilians at the Santa Cruz cemetery in Dili in November 1991. For East Timorese, this was just a repeat of what had happened so many times before.

The long history of torture and extrajudicial executions continues in East Timor. This is well illustrated by the evidence given by an Indonesian soldier last month that he was ordered by a senior officer summarily to execute six East Timorese civilians detained by the army in the Liquica district in January this year.

In recent years, it has been possible for journalists and private citizens to visit East Timor. Almost all return reports of a sullen, frightened population, an oppressive Indonesian military presence and a seemingly indestructible desire for freedom.

The Reverend David Gill, General Secretary of the Australian National Council of Churches, visited East Timor in March and described a deep sense of alienation felt by the people. East Timorese told him nothing had changed. The heavy military presence, frequent violations of human rights and surveillance by security people remain. Even our own Foreign Minister, well remembered in Australia for his description of the 1991 Dili massacre as "an aberration," in May this year described the Indonesian military presence in East Timor as oppressive and conceded that little progress had been made in improving human rights.

The United Nations Special Rapporteur, Mr. Bacre Waly Ndiaye, in his report to the United Nations Commission on Human Rights, concluded that the conditions that allowed the killings of East Timorese in the 1991 Dili massacre to occur are still present (E/CN.4/1995/61/Add.1, para.74). The members of the Indonesian security forces responsible for abuses have, he said, not been held accountable and continue to enjoy virtual impunity (ibid., para. 74).

In other words, little has changed in 20 years of Indonesian military occupation of East Timor. The question for us all, then, is, "What can be done?"

There are some welcome signs. The first is the increasing international awareness, at Government and non-Government levels, that a gross injustice has been and is being committed against the East Timorese and that this needs to be resolved. We are pleased to note that the United States, which in the past has been a major diplomatic supporter of Indonesian rule in East Timor, has now increased its level of criticism of Indonesian behaviour in East Timor. In Indonesia itself there has emerged, in non-Government circles, a body of opinion critical of Indonesian Government policies on East Timor.

The unprecedented establishment in Indonesia itself of official inquiries into military killings in East Timor in 1991 and this year suggest that Jakarta is now taking note of serious international concerns. Indonesia's Foreign Minister, Mr. Ali Alatas, once described East Timor as "a pebble in the shoe" of Indonesia. Our own Foreign Minister, Gareth Evans, has since described the East Timor issue as a "rock in the path" for Indonesia on the international stage.

The time, then, is right to maintain and strengthen international and, in particular, multilateral support for

the right of East Timorese self-determination. It is not a time for backing away.

Indonesia may well point to recent inquiries into killings as proof of its just approach to these events as they occur in East Timor. The United Nations Special Rapporteur's findings on the 1991 Dili massacre clearly showed just how limited and faulty these inquiries have been. International pressure is require to ensure that such inquiries are genuine.

There is increasing discussion internationally on the need for Indonesia to reduce drastically its military presence in East Timor and to grant some form of autonomy to the Territory, as well as hints that some sections of the Indonesian administration are open to these ideas. Troop reductions would be welcome, but in our view the troops should simply not be there. They have no right to be there in the first place, as earlier United Nations resolutions have indicated. What is clear is that Indonesian troop reductions will not occur without continued international pressure. As for special autonomy, the tragic history of Indonesian rule in East Timor indicates the necessity for international supervision, should Jakarta ever indicate willingness for some form of autonomy. It remains our view that such a step should not be seen as a substitute for the East Timor right to self-determination.

We are also concerned that Indonesian transmigration programmes will continue to marginalize East Timorese, both economically and politically. They may become a minority in their own land. Any suggestions for autonomy would have to include a cessation of such transmigration.

In the period 1975 to 1982 at the General Assembly, there was a gradual erosion of the "Yes" vote for East Timorese self-determination. What the East Timorese need now is a review of policy from Governments that changed their vote during that time to "No" or "Abstain".

In the light of all the recent evidence that the plight and wishes of the East Timorese have remained unchanged in these 20 years, we implore these States to reconsider their positions. We believe that in previous years, bloc voting in a "cold war" climate had an undue and unfortunate influence on the manner in which some nations were obliged to vote. Whatever the reasons were for Governments to change their "yes" vote, be they political or economic, the consequences were clear. Such vote changes gave confidence to the occupying forces in East Timor and left the East Timorese to their fate of arbitrary arrest, torture and violations of a series of other basic human rights.

Our own Government's *de jure* recognition of East Timor's incorporation into Indonesia facilitated an agreement for Indonesia and Australia to exploit oil reserves between East Timor and Australia's northern coast, but has done nothing to help the Timorese. Such recognition has little support among the Australian populace and has undermined the Government's credibility in its approach to human rights issues in East Timor. Our Government's recognition of East Timor's incorporation into Indonesia has precluded it from giving genuine support for the inalienable right of the East Timorese to self-determination.

We are gratified that very few Governments have followed this manifestly unjust path. The deplorable situation in East Timor has gone on for too long. The time is right to strengthen your resolve, as a community of nations, to bring to a halt the dreadful position in East Timor. Some ask us to be patient. But the time for change is long overdue and urgent. The East Timorese should not have to endure another 20 years of isolation and oppression. Enough is enough.

The East Timorese have shown they will not accept their forced integration. They have that right. Indonesia does not have the right to suppress East Timorese aspirations. The international community, through forums such as this, must make that clear. The cold war is over. It is time to put aside bloc voting and reestablish support for the most basic of international principles. It is no longer a matter of right or left wing politics — it is a matter of right or wrong. It is a matter of dignity and conscience.

The matter is in the hands of the Committee. Justice for the East Timorese is possible.

Mr. Ede withdrew.

At the invitation of the Chairman, Mr. Vince Comisky (Catholic Institute for International Relations) took a place at the Committee table.

The Chairman: I call on Mr. Comisky.

Mr. Comisky (Catholic Institute for International Relations (CIIR)): The Catholic Institute for International Relations (CIIR) thanks the Special Committee for the

opportunity to speak today on the East Timor question, which has engaged our concern for many years.

At the intra-East Timor dialogue held last month in Schlaining, Austria, Bishop Carlos Ximenes Belo presented a paper making a number of fundamental points relating to the East Timorese church as well as his reflections on prospects for change. Bishop Belo spoke as a representative of a church which "has always stayed very close to its people". He made it clear that real development could take place in East Timor until its people were given their freedom, rather than being treated as defeated subjects. In our petition to this Committee today, CIIR seeks to measure the realities of the past year in the day-to-day life of the East Timorese people against the basic needs which the Bishop outlined in that address.

The first point is that material development cannot be considered development at all unless it is accompanied by respect for basic rights, and unless the people can express themselves.

Over the past year, many East Timorese have been given prison sentences ranging from a few years to life imprisonment after unfair trials, many for peaceful pro-independence activities. We note particularly José Antonio Neves, sentenced to four years for attempting to seek to alert the international community to human rights violations taking place in East Timor. Others have been given custodial sentences for peacefully demonstrating for independence. Over the past year, hundreds of East Timorese have been subjected to arbitrary arrest, detention and even torture at the time of significant anniversaries, such as 12 November last year, as well as meetings of international significance, such as that of the Asia-Pacific Economic Cooperation Council, both in Indonesian cities and in East Timor itself.

We note the extrajudicial killings of six East Timorese civilians at Liquica on 12 January this year. While we acknowledge that the Indonesian authorities have, in the course of their investigations and those of the National Human Rights Commission, taken steps to acknowledge the clear abuses of human rights which took place and to punish the perpetrators, the incident nevertheless remains another instance in a broader pattern of atrocities.

The reports we have received from East Timorese over the past year without exception point to the fact that there continues to be a lack of freedom of expression in East Timor; that, largely due to the military presence, the atmosphere is overwhelmingly repressive; and that the basic rights of many East Timorese are not respected. We cannot but recall the December 1994 report of the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, when he stated that:

> "a drastic reduction of the military presence in East Timor is a prerequisite for confidence-building measures allowing the families to feel safe enough to report about their missing or killed relatives". (*E/CN.4/1995/61/Add.1, para. 83*)

The second point is that Timorese feel that they are not respected, but conquered.

An anonymous report sent out of East Timor at the beginning of the year related the activities of "ninja" gangs which, instigated by the military authorities, were terrorizing the populations of Dili and Bacau. According to the author, military operations in the east had been stepped up in January of this year and an identity-card system introduced in Tibar, Marbia and Hera-metinaro in the east to prevent villagers from travelling to Dili.

> "Anyone wanting to enter is forced to undress. Anyone without ID is arrested and tortured. The controls apply only to Timorese."

While the population continues to be denied freedom of movement and humiliated in such basic ways, it is unsurprising that they do not feel respected, but rather as if they were a conquered race.

The third point: young people have few opportunities.

Bishop Belo has made young people a particular cause of his concern. In recent interviews, letters and addresses, he has expressed his dismay at the lack of opportunities available to East Timorese, as transmigrants from Indonesian islands are given the best jobs. Education alone is not enough to solve the problem. It is very often the young and students who are the victims of arbitrary arrest and detention by the Indonesian military. We call upon the Indonesian authorities to undertake serious measures to address this fundamental injustice.

Concerning respect for culture, religion and history, the fourth point, 20 years of Indonesianization in East Timor have begun to threaten the identity of the East Timorese. Attempts have been made to ban the former colonial language, Portuguese, and even their own native language. Alien ways of life and language have been

imposed on them and many East Timorese feel that their very history has been rewritten by a new colonizing Power. This feeling has been exacerbated all the more over the past year or so by a number of attacks against church personnel and desecrations of the host by Indonesian soldiers at mass. This has led to indignant and often violent responses by the East Timorese population, which have in turn been suppressed with more violence by the military authorities. It is a dangerous downward spiral which could be addressed by a greater willingness to accept cultural differences and the religious tradition of the country.

As to the fifth point, freedom for the church to operate without manipulation", the church has operated in this situation in the face of often severe pressure. Reports received by CIIR over the period point to continuing interference in the life and operations of the church by the military. We have heard how priests and religious people have been the victims of disinformation and false accusations aimed at undermining the standing of the local East Timorese clergy. Intrareligious tensions are being fed by a small number of people being pressured to convert to Islam, which leads to a false presentation of the conflict in East Timor as being religious. This has been refuted again and again by Bishop Belo himself.

I turn next to the sixth point, the question of comprehensive development — taking account of basic moral order. No one would deny that there has been infrastructural development in East Timor as a result of Indonesian occupation over the last 20 years. But material development has not won the hearts of the East Timorese people. On the contrary, this year has confirmed a continuing experience of brutalization. Until the East Timorese people feel that they are respected first and foremost as East Timorese, complete with their own culture, national identity and religion, there will be no collective experience of development to discuss.

On the occasion of the fiftieth anniversary of the United Nations, the Chairman of this Committee has expressed the desire that the Special Committee live up to its goal of having the world enter the twenty-first century free of colonialism. As Indonesia celebrates 50 years of independence this year, let us all work to make this a reality for East Timor also.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Andrew Clapham (Amnesty International) took a place at the petitioners' table.

The President: I call on Mr. Clapham.

Mr. Clapham (Amnesty International): Indonesia has ruled East Timor for 20 years. During that time, the rights of East Timorese suspected of pro-independence activities have been systematically violated. Amnesty International regrets that in our statement today once again we have to draw the attention of United Nations Member States to a catalogue of human rights violations in East Timor. In the light of a renewed crackdown by the Indonesian Government on the basic rights of East Timorese, Amnesty International takes this opportunity to describe the violations and make recommendations which, if implemented, would improve the human rights situation in East Timor.

Two major periods of unrest, in November 1994 and throughout January and February of this year, resulted in large-scale arbitrary arrests, torture and beatings, and in dozens of political trials including those of prisoners of conscience. All these violations continue to be used by the authorities to silence even peaceful dissent in East Timor. And while the international spotlight forced the Indonesian Government to conduct an inquiry into the killing of six civilians in January this year, other reported killings and "disappearances" have not captured the imagination of the international community and remain thus unresolved. As in previous years, the international community has once again failed to place sufficient pressure on the Indonesian Government to improve human rights. While United Nations mechanisms have themselves provided some of the strongest criticisms of Indonesia, this has not been consistently supported throughout the United Nations.

In June 1994, the Indonesian Government published a booklet called "Setting the Record Straight on East Timor". The book was an attempt to address certain "myths" about Indonesia's rule of East Timor. The book opens with the following passage:

> "This myth ascribes to the Indonesian Government all sorts of horrible atrocities without a shred of evidence or proof that might be acceptable in a court of law. It is being made to appear that the Government of Indonesia would, without compunction, violate its own laws and fundamental principles and even the deeply ingrained values of its people".

Regrettably, Amnesty International is able to provide ample evidence of such violations. All the

evidence provided in this statement concerns violations committed since June 1994. At the same time as the Indonesian Government published its booklet on East Timor, José Antonio Neves, an East Timorese student activist, was being questioned by military intelligence officers in Malang, without the presence of a lawyer. His crime was attempting to send information overseas in order to dispel some of the Indonesian Government's own "myths" about improvements in human rights in East Timor. In February this year, José Neves was sentenced to four years' imprisonment. He is a prisoner of conscience, convicted after an unfair trial which consistently violated Indonesia's own laws.

A few months later, between 125 and 180 East Timorese were arbitrarily detained after demonstrations which took place in Jakarta and Dili at the time of the Asia-Pacific Economic Cooperation (APEC) meetings held in Indonesia. Some of them were beaten as they were being arrested and others were tortured in custody. Twenty-seven are now facing trial for their role in the demonstrations.

In January, José Antonio Belo and 23 others were arrested after a peaceful demonstration at the University of East Timor in Dili. José spent the first night of his arrest with his arms and legs tied, hanging upside down in a military intelligence office. When he was taken down the next morning he was beaten with sticks and wires and was reportedly subjected to electric shocks. Denying reports that José was at risk of torture, Major Laedon Simbolon, East Timor military spokesperson, said

> "We take good care of them and feed them, just to let them tell us the truth about why they did the demonstration and who stood behind them".

José has subsequently been sentenced to 18 months' imprisonment. His name is now added to Amnesty International's list of prisoners of conscience convicted after unfair trials.

On 13 January, the Indonesian military announced that six Frente Revolucionária de Timor Leste (FRETILIN) guerrillas had been shot and killed in a military clash with the army. We know now that the six were unarmed civilians and were the victims of political killings. Two soldiers have received prison sentences for the killings, but Major-General Adang Ruchiatna, Military Commander of the region covering East Timor, is unsure about how it could have happened. He said,

> "We have to find out why they did what they did. Was it because they had become 'saturated' or because they were frustrated?".

The answer lies elsewhere. The killings are entirely consistent with a pattern of violations which results from a lack of systematic and thorough investigation of human rights violations. The killings took place within a system which, on the one hand, sends a soldier to gaol for four and a half years for murdering six unarmed civilians, and, on the other hand, sentences a prisoner of conscience to 15 years for his non-violent role in the Santa Cruz demonstration in November 1991.

In March 1995, the Chairman of the fifty-first session of the United Nations Commission on Human Rights issued a statement on East Timor, urging the Indonesian Government to continue to cooperate with the International Committee of the Red Cross (ICRC) by granting access to detainees. Despite this cooperation, detainees continue to be tortured. Three weeks after the statement was issued, José Antonio Belo, already seen by the ICRC, was beaten again. This time he vomited blood. Hendrique Belmiro was beaten so badly by military intelligence officers after his arrest in December that he needed seven stitches to his head. Friends say that now, as he faces trial on charges of rebellion, the torture and beatings have left him looking dazed and disoriented. These are just two examples of the reports of torture passed on to Amnesty International. There are more.

Before the end of this year the United Nations High Commissioner for Human Rights will visit East Timor. The seriousness of the situation places high expectations on the High Commissioner's visit. Amnesty International hopes that when the High Commissioner goes to East Timor he will urge the government to implement immediately the recommendations of the two United Nations experts who have conducted visits to East Timor: the Special Rapporteur on Torture, and the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. We also hope that the visit will result in concrete action, including steps by the Indonesian Government to investigate all past violations and to prevent their future occurrence, and the abolition of legislation allowing for the detention of prisoners of conscience. Amnesty International also hopes that the visit will help to pave the way for international and domestic human rights monitors and journalists to gain unrestricted access to East Timor.

Amnesty International hopes that the recommendations of the High Commissioner will receive a more positive response from the Indonesian Government than that which was accorded the reports of the two Special Rapporteurs following their visits to East Timor. Both the Special Rapporteurs have made concrete recommendations which would improve the human rights situation in East Timor. Sadly, with the exception of one recommendation of the Special Rapporteur on Torture — the formation of a national human rights commission — all other recommendations of both experts have to date been ignored by the Indonesian Government.

Amnesty International believes that violations will continue in East Timor unless three steps are taken. These are: that the Indonesian Government undertake concrete action to address the root causes of the violations occurring in East Timor, including impunity, arbitrary abuse of power by the security forces and legislation which allows for the detention of prisoners of conscience; that independent monitoring of violations be guaranteed in policy and in practice; and that the international community consistently condemn violations whenever they occur in East Timor.

Unless these three steps are taken, the East Timorese will enter their third decade of torture, arbitrary detention, unfair trial, political imprisonment and killings.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Jennifer Washburn (Agir pour Timor) took a place at the Committee table.

The President: I call on Ms. Washburn.

Ms. Washburn (Agir pour Timor): My name is Jennifer Washburn and I am here on behalf of Agir pour Timor, based in Paris. We thank the Committee for allowing us once again to petition it this year on behalf of the people of East Timor. Last year we reported on the development of public awareness on the issue of East Timor's self-determination, thanks notably to a successful four-month campaign by 12 organizations. We wrote that, following that campaign and for the first time since 1986, a Senator from the Government's majority had submitted a written question to the French Minister of Foreign Affairs on Indonesia's violent repression in the occupied territory of East Timor.

We are pleased to report that this awakening of the national Parliament has continued through 1994 and 1995 thanks in great part to Amnesty International's very successful campaign on Indonesia and East Timor, which came, so to speak, as a continuation of the joint Four Months for East Timor campaign. Amnesty received over 100 responses from Parliamentarians, including more than 10 new written questions in the Senate and the National Assembly, some of which reflected concern on human rights violations in Indonesia proper. Such a number of questions seems to have induced the Foreign Ministry to put progressively more stress on human rights concerns and less on economic relations in his answers.

Concurrently, the Four Months campaign has given rise to a more permanent structure. Forum Timor, established in October 1994, is a collective of organizations aiming to act for the promotion of East Timor's right to self-determination. Its current membership of 15 is: Agir pour Timor and ASTO (two East Timor solidarity groups); Asie-Pacifique, ICRA International and Tribal Act (three non-governmental organizations concerned with the rights of indigenous peoples); Cap Magellan, an association of Portuguese students in France; Cimade; Coordination of Portuguese Collectivities in France (CCPF); General Confederation of Labour (CGTF); France-Libertés; Justice and Peace; Peuples Solidaires and Réseau Jeunes Solidaires (solidarity with the peoples of the South); the French Platform of Development Non-Governmental Organizations/European Union; and the Third World Information Network (RITIMO).

The Forum functions under the same principle of last year's campaign. Member organizations retain their characteristics and participate in actions according to their desire, culture and capabilities. There are close contacts and occasional collaboration with non-governmental organizations that do not wish to be members of the Forum, such as ACAT, Amnesty International, CCFD, the French and International Federation of Human Rights Leagues, MRAP and Pax Christi.

Forum activities include lobbying and more visible actions such as the speaking tour we organized from 15 to 30 May this year. Six East Timorese students who are refugees in Portugal came to tour France, giving first-hand testimony of what happens in their own country. Three of them were among the 29 students who took refuge in the United States Embassy in Jakarta last November. Divided into three groups of two, they made three circuits — in the South-West, the South-East and

the West/Greater Paris area — participating in information meetings, giving interviews to the local press, meeting with political figures and so on. As in other countries which took the same initiative, the response was both excellent and limited owing to the almost total blackout in the media in our country on the situation in East Timor and on the very existence of the problem. Several local non-governmental organizations decided to take up Indonesia and East Timor as issues of concern and to help the people of East Timor and the pro-democracy movement in Indonesia. The Forum plans more activity in the next few months, but it seems premature to announce it at the moment.

We would like to continue with some comments on recent international developments regarding East Timor, together with some recommendations regarding the United Nations role in this matter. We welcome the unprecedented encounter between the Foreign Minister of Indonesia and representatives of the National Council of Maubere Resistance (CNRM), the Frente Revolucionária de Timor Leste (FRETILIN) and the Timorese Democratic Union (UDT) in New York last year. We welcome the acceptance by Indonesia of a visit to the Territory at the end of this year by the United Nations High Commissioner for Human Rights. We welcome the unprecedented all-inclusive East Timorese meeting that took place last month in Austria under United Nations auspices. We welcome the report on the need for further meetings of this kind, which was agreed on last Saturday during the sixth round of talks between the Portuguese and Indonesian Ministers. We applaud the fact that that meeting addressed substantial issues for the first time and discussed the preservation and promotion of the cultural identity of the East Timorese people.

We welcome these developments because they allow East Timorese, at long last, to begin to have a say in their own destiny. But welcoming does not mean condoning the behaviour of all parties in the matter. It will not be news to this Committee that the issue is not a dispute between Portugal and Indonesia, but an illegal act of aggression by the latter country against the people of East Timor. There is no question of balancing the roles of Portugal and Indonesia. Portugal is right to use its function as administering Power to promote the East Timorese right to self-determination, and Indonesia is wrong to use its position as occupying Power to obstruct that right in all possible ways.

Those views are confirmed by the attitude of the parties. We appreciate the good will and determination shown by the Secretary-General and the Portuguese Foreign Minister in pushing the issue forward. On the other hand, we have to observe the stubborn attitude of the occupying Power. As the Committee will know from other petitions and testimony, there has been no improvement in the human rights situation in East Timor. On the contrary, things are worsening. The report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions is dreadfully clear on this point. As to recent developments, let us just mention the return of "ninja" gangs clearly commissioned by the military authorities, and the emergence of religious provocations that did not exist one and a half years ago. Unsurprisingly, there is no regular access to the Territory for journalists and non-governmental organizations (NGOs), including Indonesian NGOs. The repression keeps a low profile when unwelcome witnesses are present, as the international media saw during the Asia-Pacific Economic Cooperation (APEC) meeting, only to come back with a vengeance when they are away. The occupying Power pretends to be committed to a solution of the issue, but tries to sabotage the process when it can. We will mention only the postponement, on a pretext, of the intra-Timorese meeting from its initially planned date of April. Fortunately, it has been put back on the agenda thanks to the efforts of the Secretary-General and Portugal.

In this respect, it seems to us that the positive moves by Indonesia do not stem from any genuine good will, but rather from a pressure it can less and less resist. For example, we read the October encounter in New York as a move in anticipation of the November APEC meeting. We read the acceptance of the visit of the United Nations High Commissioner for Human Rights as the only way to escape condemnation by the Commission on Human Rights. We read the relatively high sentence, in Indonesian terms, given to two members of the army by a court-martial for killing civilians in January as a direct result of pressure from several foreign countries. Finally, we read the recent withdrawal by Indonesia of Mr. Mantiri from the post of Ambassador to Australia because of his remarks following the Santa Cruz massacre as the result of successful pressure by Australian public opinion on its Government and, in consequence, on Indonesia.

The point of analysing these developments, which are well known to the Committee, is to show that pressure on the aggressor pays and must be pursued. While welcoming impressive advances in the self-determination process since the Santa Cruz massacre, we

cannot help remarking that they are impressive only by comparison with developments before. We wish these advances were faster, as it is the East Timorese people in the Territory who daily pay the price of this slow pace.

We cannot fail to also notice some setbacks. We lament the fact that the International Court of Justice, even if it reaffirmed the right of the people of East Timor to self-determination, did not see fit to pronounce a judgment on the Timor Gap case, only because Indonesia does not recognize its authority. This seems to the layman a very strange reason indeed. Nevertheless, we read in Indonesia's non-recognition of the International Court of Justice another sign of weakness. We challenge Indonesia to recognize the authority of the Court so that the Timor Gap case can be properly addressed.

We also lament the fact that the right of the East Timorese people to determine their own future is not implemented by the United Nations as it should be. They still do not participate in the talks between Portugal and Indonesia, and they were even officially prevented from discussing the status of their own Territory in the so-called "All-Inclusive" Intra-East Timorese dialogue. We ask the United Nations to perform its duty by helping the East Timorese people to be party to the international settlement of the issue.

We believe that, under the circumstances, it would speed up the process considerably if the United Nations were present in the Territory permanently. This seems now a strong possibility. We ask the United Nations to establish a permanent presence in East Timor.

On July 18 and 19, the Consultative Group on Indonesia, chaired by the World Bank, will meet in Paris to distribute public development aid to that country. We lament the fact that the World Bank, a United Nations body, is helping to fund Indonesian development projects in the occupied Territory of East Timor. The most notorious of these projects is Indonesia's "family planning", whose aim in East Timor is less than candid. We ask the United Nations to have the World Bank stop helping Indonesia in its illegal occupation.

We recall our fundamental opposition to Indonesia's participation in discussions regarding East Timor as a member of the Committee. Once again, we ask the Committee to exclude Indonesia from any decision-making process regarding East Timor.

Finally, we recall for the Committee the illegal detention of more than 50 East Timorese political prisoners, often kept out of East Timor and often in appalling conditions. We ask the United Nations to act in order to obtain the release of all East Timorese political prisoners, including Xanana Gusmão.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Julie Carran (British Coalition for East Timor) took a place at the petitioners' table.

The Chairman: I call on Ms. Carran.

Ms. Carran (British Coalition for East Timor): The British Coalition for East Timor would like to address an apparent deterioration in the human rights situation in East Timor in the first half of 1995 and to propose some measures aimed at reversing this deterioration and creating the conditions necessary for an appropriate political settlement.

We note that, late in 1994 or early in 1995, there was a very marked increase in the activities of the masked terror gangs known to the East Timorese as "ninjas". In early February, more than 100 women met with Bishop Ximenes Belo to complain that the "ninjas" were wreaking havoc in Dili, destroying property and beating up, kidnapping and possibly murdering civilians. A few days later, a member of the local parliament confirmed that at least eight murders had been committed by the "ninjas". He also said that about 5,000 farmers had stopped tending their fields due to fear of these gangs, creating the threat of many more deaths through famine. At about the same time, it was reported that some 29 people had been "disappeared" by these same gangs.

Local residents say that the "ninjas" are certainly recruited, trained and equipped by the army, and have provided detailed information on rates of pay, recruitment procedures and equipment issued.

On 9 February, five young men were kidnapped and the house they were staying in was burned down, along with neighbouring houses, apparently because the owner of the house was a relative of Xanana Gusmão, the imprisoned leader of the National Council of Maubere Resistance (NRM). Witnesses report that both uniformed troops and "ninjas" were involved in this raid.

When the military authorities responded in mid-February, they deployed troops throughout Dili and arrested some 12 people, who were most probably not "ninjas" at all, but members of the neighbourhood defence squads set up in response to the gangs' activities.

According to a source who spoke to the Irish journalist Mr. David Shanks, this was part of a "very, very systematic and careful elimination" of those whose "political attitude is not quite right". The source spoke of extremely widespread "disappearances".

After a peaceful demonstration on 9 January, 11 young men were arrested and charged, later to be given sentences far out of proportion to their "offences". But, even worse, at least five others disappeared, and even the Indonesian police confirmed in February that they were missing. Residents of Dili report that five bodies wrapped in rice sacks were found in January, and they believe these bodies, though too badly mutilated and decomposed to be identified, are probably those of the five missing youths. Other sources report a total of nine "disappeared", plus the father of one man who was reportedly shot when he went to the army to inquire about the fate of his son.

On 12 January, in the village of Liquica, six civilians were executed in cold blood. The soldiers involved later confirmed that these people had not threatened them in any way and that their hands were tied when they were shot. It is likely that none of these people was involved in any criminal activity.

After the National Commission for Human Rights began its investigation into this incident, 30 people were arrested in Liquica and Dili, some or all of them possibly witnesses to the killings. We must note that, in this instance, the soldiers directly involved did receive sentences which, if not fully fitting the magnitude of the crime, were at least more than simply cosmetic. They were given, respectively, four and four and a half years in prison. It is also a welcome development to see that the heavier sentence went not to the soldier who pulled the trigger, but to his superior who gave the order. However, we do feel that the inquiry should have looked further up the ranks to consider final responsibility, and we are very concerned about the fate of these 30 unidentified people. We also stress that killings like these will unavoidably go on as long as the situation of military occupation continues in East Timor, regardless of the punishment of individual, not very high-ranking, soldiers. The only way to prevent a recurrence of the Liquica killings is through a political settlement acceptable to the Timorese population.

Very recently, there have been reports of mysterious killings in Dili. Though the "ninja" attacks have subsided and there was a short period of calm during the spring, last month two young men were found lying in the road with their necks broken and their faces smashed. They died on the way to the hospital. It is quite clear that the two were murdered, and residents suspect that they were targeted by the authorities for their pro-independence activity. "All youths are afraid to go out after dark", one Dili resident told a Reuters reporter by telephone.

There have also been a number of well-documented reports, in the last several months, of the torture of detainees in prison. Information has been received regarding, particularly, Hendrique Belmiro, Bobby Xavier and José Antonio Belo. The forms of torture they have been subjected to include beatings — in Henrique Belmiro's case, sufficient to fracture his skull — slashings with razors and the use of electric shocks. In all cases, these men were awaiting trial, having not yet been convicted of any offence.

There have also been serious outbreaks of urban violence, in November 1994 and January 1995, due to tension between native Timorese and Indonesian, mainly Buginese, settlers, apparently sparked by the killing of Timorese by settlers. These outbreaks, which led to considerable destruction of property and some deaths, were made worse by extreme and violent reactions from the police.

Finally, Indonesian authorities appear to have been placing restrictions on visits by press and other international observers, particularly during the worst period of the "ninja" activity.

Given this extremely grave situation, it is clear that much of the population of East Timor is living in terror and that the conditions for progress towards a political solution, ideally a United Nations-supervised referendum, simply do not exist. As a first step towards making such a solution possible, it is urgent that steps be taken to reduce the tensions and fear under which most of the population must now live their lives. It is vital that there be a presence in East Timor which is genuinely and entirely independent. Such a presence could collect reliable information on human rights abuses, monitor and hopefully prevent further incidents, and provide some protection for the beleaguered people of East Timor.

Therefore, we urge the United Nations to set up a human rights monitoring team of trained and competent

individuals from outside the region, which would operate, at an absolute minimum, for three months. We strongly urge that the United Nations consider making the presence of such a team permanent. If this is not possible, we would call for the permanent presence of a representative of the Secretary-General to be based in Dili, the capital of East Timor. Any such team or representative should report directly to the Economic and Social Commission for Asia and the Pacific in Bangkok or to the Secretary-General in New York. This would ensure that their presence does not imply recognition of the Indonesian occupation of East Timor. In essence, this reflects the position of the Catholic Church of East Timor, which is not part of the Indonesian diocese but is responsible to and administered by the Vatican, not the Bishops' Conference of Indonesia.

We do not believe that a United Nations peace-keeping force would be desirable under the circumstances. The Territory urgently needs to be demilitarized, rather than have another military factor added. Therefore we recommend a civilian mission, preferably made up of people with experience and training in human rights observation and monitoring, and able to serve as a dissuasive presence in situations of tension. Human rights education might also be part of the brief of such a mission.

We hope that in the longer term, in accordance with the peace plan of the CNRM, United Nations specialized agencies such as the World Health Organization, the Food and Agriculture Organization of the United Nations, the United Nations Children's Fund and the United Nations Development Programme could also establish offices or representatives in East Timor in order to build long-term stability, free of military control. An improvement in human rights and a lessening of tensions would create the environment in which a process would begin which would lead to a fair, United Nations-supervised referendum on self-determination and finally draw to a satisfactory end East Timor's long quest for full decolonization.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Richard Koch (East Timor Ireland Solidarity Campaign) took a place at the petitioners' table.

The Chairman: I call on Mr. Koch.

Mr. Koch (East Timor Ireland Solidarity Campaign): I am indeed indebted to this Committee for allowing the East Timor Ireland Solidarity Campaign part of its valuable time in order to make a contribution which I hope will help resolve the ongoing tragedy that has befallen the people of East Timor.

Ireland is in an uncommon position to add its voice to those that are in solidarity with the oppressed people of East Timor. The fact that Ireland was under colonial occupation for 800 years is not lost on those of us who have rallied to the cause of East Timor. Despite centuries of domination by what was then and indeed continues to be a global Power, the flame of freedom burned in the hearts and minds of Irish people. There were many people of vision then, people who struggled to throw off the chains of colonial oppression. The vision of our ancestors is as real today as it was then because the dream they had is the same dream that all who suffer injustice have. At times it must have seemed like a hopeless struggle. It must have seemed very strange to them that the colonial Power enforced a policy of divide and rule. But these circumstances were not unique to Ireland — the colonialists carried out their subjugation and policy of divide and rule wherever they went. As we look at the tragedy that has befallen the people of East Timor, it seems that present-day colonialism and the European domination of peoples on all continents has changed little.

Ireland today has taken its place among the nations of the world. Ireland is now free to decide its own destiny, to live in peace with its neighbours and to represent itself on the world stage. It is a nation without the economic might of many, but with the determination to play an equal role as a member of the international community. Today the sacrifices of yesteryear have made it possible for dreams to come true — dreams that allow Ireland, as a Member of the United Nations, to have peace-keeping forces in many parts of the world, including Rwanda, Bosnia, Lebanon and elsewhere. Today, Ireland is an active player in world affairs, thanks in no small part to the struggle of earlier generations. Despite the difficulties that remain in Northern Ireland — a legacy of our own history which we are attempting to face honestly and deal with — Ireland continues to identify with small countries that have suffered and continue to suffer from foreign domination.

The pictures of sun-drenched beaches in Bali may be the preferred image that the Government of Indonesia would like to present to the world. However, increasingly, it is the pictures of young people gunned down while peacefully protesting the occupation of their country that the world is seeing. Those who died at the Santa Cruz cemetery in November 1991 are no different

from those who died in Sharpeville in South Africa, or Mahatma Gandhi's followers who died at Amritsar. The Indonesian Foreign Minister, Mr. Ali Alatas, has referred to East Timor as the "pebble in our shoe". A more valid description would be a badge of shame that Indonesian diplomats and officials are constantly reminded of. A country that was once a leader of the oppressed peoples of the world, a symbol to those who struggled for peace, justice and freedom, is now seen as a colonial oppressor.

In many ways, Ireland and Indonesia have, in historical terms, much in common. Like Ireland, Indonesia was invaded by a global Power, in its case the Netherlands. Just as in Ireland, there arose men and women of vision, men and women who were prepared to make the ultimate sacrifice so that those who followed them would be in a position to control their own destiny. Through the hardships of their independence struggle, they kept the flame of freedom alive. In this, the fiftieth year of Indonesian independence, men and women of vision are still called for. They are called upon, like their forebears, to put right an obvious wrong. They are called on to restore to Indonesia the right to be a major player in world affairs, not only in the Non-Aligned Movement, but also at the United Nations level. But this role will be denied to Indonesia until the tragedy in East Timor has been settled. It seems so ironic that a country which itself suffered so greatly cannot or will not make the connection between what was done to it and what it has done and continues to do to the people of East Timor.

In the past few years, Ireland has taken a leading role in pushing the case of East Timor at an international level. There is something about what has happened to the people of East Timor that raises an instant affinity in most people. This affinity goes beyond mere shock at the extent of military brutality; it creates a desire to make things better. Like East Timor, Ireland was nearly swallowed up by its nearest neighbour and its identity, culture and national rights were nearly subsumed by sheer power and violence. The struggle of East Timor at present, of Ireland prior to its independence in 1922 and of Indonesia before 1945 are examples of the resilience of the human spirit and the triumph of ordinary people over extraordinary odds.

In this, the 150th year since the great hunger, we as a people are trying to come to terms with an event of our history that was until recently ignored, not talked about, or else treated as something best forgotten. But the spirits of the some one million Irish peasants who starved in a land of plenty keep tugging at our collective consciences. Like the Jewish peoples of Middle Eastern Europe, Native Americans and Australian aborigines, the spirits of our ancestors cry out not to be forgotten. In this, the fiftieth anniversary of the liberation of the Nazi concentration camps, experience shows us that there are those who would prefer that we do not learn from history.

In this, the twentieth anniversary year of the Indonesian invasion of East Timor, there are many in powerful positions who would rather we did not know what has happened in East Timor or why it happened. It is obvious to all, with the exception of those who would deny the people of East Timor truth, justice and peace, that no valid act of self-determination has taken place. There are those who maintain that the people of East Timor sought independence through integration with Indonesia. This has been refuted not only by the United Nations but also by the international community. Even those countries which, because of economic expediency, have chosen to side with Indonesia maintain that no valid act of self-determination has taken place since Indonesia illegally occupied East Timor.

Whether we like it or not, the issue of Indonesia's occupation will not go away. With each day that passes, the case of East Timor grows stronger. Many ordinary people, on all continents, are rallying to the cause of East Timor. They, like us, know that a great injustice has taken place. In the developing world, people who know only too well the effects of colonial oppression are joining the cause of East Timor, as they did for South Africa under apartheid.

The recent efforts of the United Nations Secretary-General, Mr. Boutros Boutros-Ghali, are a welcome indication that this great injustice is still on the agenda of the United Nations. That Mr. Boutros-Ghali has put forth so much effort is also an indication that the international community wants a settlement to this conflict, seeing the issue as an international one and not one between colonial Powers. However, it is astonishing to those of us who care about the future of East Timor that it is the former colonial Power and the present one that are the main participants in the ongoing dialogue. Who represents the people of East Timor, who have struggled so bravely to oust a foreign Power from their homeland?

Until such time as the people of East Timor are represented at the ongoing talks, a solution will continue to evade us. The fact that the East Timorese resistance leader, Mr. Xanana Gusmão, is still imprisoned in Indonesia, thus breaking the Geneva Convention on the treatment of prisoners in an occupied territory, is an

indication that more pressure will have to be put on Jakarta. Mr. Gusmão must be involved in the continuing talks. It seems that, in the late twentieth century, until such time as the Indonesian Government is serious about finding a solution, Indonesian colonialism will continue to bring shame on a once-respected nation.

Irish history insists that we do not forget the 200,000 East Timorese who have died. Respect for the United Nations Charter and the principles of international law demands that those who have seized a small and vulnerable Territory should not have their way.

At the invitation of the Chairman, Mr. Simon de Faux (Auxilium College (Australia)) took a place at the Committee table.

The Chairman: I call on Mr. de Faux.

Mr. de Faux (Auxilium College): My name is Simon de Faux, and I am a registered nurse. I did my initial training from 1989 to 1991 at Monash University, Victoria, Australia. In 1992 I began working at various hospitals throughout the Melbourne metropolitan region, mainly in the accident and emergency departments. During 1994 I worked at the trauma centre at the Alfred Hospital. It was about the middle of 1994 that I started to become dissatisfied with the trauma work that I was doing.

I decided at that time that I wished to do some nursing work overseas. I made contact with the Salesians and their Provincial, Father Julian Fox. Initially I was offered some work through them in South America, but that fell through and in late January 1995 Father Fox proposed that I go to East Timor. I did not really know anything about East Timor before then. I had no knowledge of the place and had never been affiliated with any political group. The only thing I knew about East Timor was that it was a country that had been occupied by Indonesia since 1975 and that there were many bad things occurring there.

On 1 February Father Fox offered me a position. I was prepared to go, and so I did. On 8 February I boarded a plane and departed for East Timor. During the week from 1 to 8 February I started to learn as much as I could about East Timor. That was the only period in which I had a chance to learn about the place. I read a report entitled "Health in East Timor", written by Dr. Helda Buergel. Father Fox also tried to fill me in as much as he could, and I read sections of a book called *A People Betrayed* by James Dunn.

Apparently Bishop Belo had sent a fax to Father John Murphy, the new Salesian Provincial, asking for health care workers to go to East Timor and help set up clinics. That was my understanding of why I was being sent there. Although I was given only a two-month tourist visa by the Indonesian authorities, I was given the impression by the Catholic Church that, since I would not be earning any money — being there in the capacity of a volunteer health-care worker — I would be allowed to perform nursing duties.

I left for East Timor on 8 February 1995. I spent one night in Kupang, and on 9 February I left Kupang and flew straight to Dili. In Dili I stayed the night at the residence of Bishop Belo. When I arrived at the airport I was met by armed guards and told that I had to report to their various officials. I was also met at the airport by a Church worker who managed to convince the armed guards that I was a Church employee and that I would report the next day to the officials. Thus the armed guards let me go to the Bishop's house. That night I managed to speak with Bishop Belo, and he informed me that the situation in Dili was tense owing to the presence of a United Nations envoy team investigating the deaths of six people who had been summarily executed in January 1995 at a place called Liquica.

The next day I reported to the various police and military officials and the immigration department. I also had to report to the head of the health department because I was a registered nurse wishing to work. His name was Dr. Alex, an Indonesian national who spoke English fluently. I had to speak to quite a number of Government officials that day because I was a volunteer health care worker who had been asked by the head of the Catholic Church in their country to come and assist.

Finally, they gave me clearance, but they wanted to know where I was going and what I would be doing. At that point I was told by Dr. Alex that their health care system was quite adequate, so they did not want foreigners getting involved. For that reason I was to do no health care work. The limited medical equipment I did have was taken away. I was to be there just as an observer.

That afternoon I left with the Church worker I had met the previous day for a place called Suai, which is in the south-west. We went to the Catholic hospital there. When I first arrived I had to report once again to the police, military and health officials. Everywhere I went this was to be the norm. I stayed in Suai for only one

week, for reasons I shall soon explain. The main reason the Bishop sent me there was that it was felt that it was a fairly low-key resistance area, and thus I would be safe.

I started helping out where I could with what was possible while I was living at the hospital. The Church there was running a hospital with roughly 30 beds, which was grossly under-serviced. They had hardly any equipment or trained staff, and they were very under-equipped for the services they were trying to provide to a great many people.

While in the district of Suai I met various Indonesian doctors. I also met the head of the health department, who was quite happy to show me around all the Government-run hospitals, the health clinics and services that they were providing there. As a result, I saw the Catholic-run hospitals, staffed by the clergy, and also the Indonesian Government-run hospitals.

The major difference I noticed was that many of the Timorese people were afraid to go to the Indonesian doctors. They perceived the doctors, and more importantly their medicines, as being somehow part of a "genocide". I heard reports from Church workers that mothers had taken their babies to infant welfare centres, where they had been immunized and, a month later, that their babies had died. That was not a one-off case. One of the Church workers told me that they had heard of a place where 300 babies had died. Often when I went to these doctors and to the Indonesian-run hospitals I would have a look at the medicines. Those that I saw were legitimate medicines, like antibiotics. However, they were often out of date — the expiry date often a year, sometimes two years, past.

Although the Government-run hospitals had all the equipment and facilities, there was hardly anyone using them. They were usually empty. At the other extreme, the Catholic-run hospitals, which had no equipment or medicines, had 50 or sometimes even 100 people lining up because the people trusted the Church. The people knew that what they were getting there was legitimate, and so they trusted. So, if people could not get to the Church-run hospital, would often just stay at home when they were sick. They would rather remain ill than go to the Indonesian health authorities.

While in Suai I was informed by an Indonesian health care worker how some doctors from the health department would do deals with drug companies, buying cheap and out-of-date medicines with Government funds and then keeping the left-over funds and selling the medicine for a higher price to the hospitals. The medicine was meant to be available free. Thus the doctors were profiting twice. This was just one of the illegal deals that I was informed of.

On or about 10 February, while I was in Suai, I met the Governor, the "bupati". He was also a Catholic. He suggested that I go and have a look at the transmigration areas. He said: "Go, and show them what the Indonesians are doing for the Timorese." I do not know whether he meant that I was to show them how much good the Indonesians were doing, or how much harm they were doing.

When I went to the transmigration areas we were followed by the secret police. It was quite obvious. For most of the time I spent in Suai I had to report to the police and military officials continually. I had noticed similar scrutiny in Dili during the one day I was there. Paramilitary police would drive around with batons, interrogating people in the street.

As I have said, I was sent to East Timor by the Church as a volunteer health care worker, and that is all. I was incensed at the Indonesian Government's banning me from assisting the people of East Timor in regard to their health situation when there was a obvious need for such assistance. This was about the time I decided to start taking photographs to document what I was seeing.

It was also on this occasion that I first had a gun pointed at me. I took a photo of the marketplace in Suai itself, an innocent photo, just a tourist one, but by chance a soldier walked past as I took it. He pulled out a pistol and pointed it at me, and then told me to go with him. He thought I was a journalist. I had to go back to the commander and justify my account. By this time, they were convinced that I was a journalist and wanted to deport me from the place. Church workers stood up for me, saying "He is not a journalist; he is simply a tourist. Leave him alone". So I was given my camera and film back.

That night, one of the Indonesian doctors whom I had been working with had apparently been approached by the secret police, threatened and told that if he did not write a report on what I did 24 hours a day, they would take his wife away. He told this to one of the Church workers, although I did not find out until after I had left Suai a few days later. As a result, the doctor was naturally very afraid. Because of this, Church workers asked me to stay in the hospital building so that my

whereabouts could always be fully ascertained. I helped where I could, although officially I could not do much. However, I saw the health care system at work. People were too afraid to go to Government hospitals. They were afraid to take their medicine. The staff at the Catholic hospital wanted to get a system going where they could go out to the villages and check on people there, but they were banned from doing this by the health department.

I saw cases of end-stage tuberculosis in Timorese villagers, people coughing up bright, aerated blood. Blood was even coughed up on me. Malaria also is endemic in Suai. Everyone has it, as various members of the health department admitted to me.

On 10 or 11 February, the Canadian Ambassador and his team, who were touring East Timor, arrived in Suai. They were interested in speaking to me and hearing my opinion on what I had seen. Individual members took me aside and asked me why I was there, and I told them virtually everything I had seen or experienced. They told me that they wanted to help but that because they were ambassadors and had diplomatic immunity, they had to be neutral. They advised me to "keep my head down" and told me that what I was doing was very dangerous. They then asked if I wanted anyone informed as to my welfare. I gave them some names, and they said they would try and notify these people.

It was during this time that Church workers at the hospital started hearing a lot of talk about how two of their number had been recently assaulted in India. It was being said that if they did not watch out for themselves, a similar thing might happen to them in Suai. It did not take me long to realize that if anything happened to these people, it would not be because of what they were doing but because of my presence it was me that the Indonesians wanted to get to. They had already accused me of being a journalist, they had pointed a gun at me once, and they had seen me speak to the Canadian team. It was fairly obvious why they would want to terrorize the Church. The next day I said to the Church workers that I would leave because I was endangering them.

They organized my transport out of Suai. The driver was a Timorese youth, about 19 years old, who came from a family of nine. He told me that his mother had been raped, that his father had been killed and that one of his brothers was still missing. Any Timorese who was seen with me was taking a risk. This kid said to me that as far as he was concerned, his family was marked, and he took it as an honour to be seen with me. His words were:

"I grew up in tears. I live in tears. I will die in tears. I was dead from the minute I was born".

That day I went straight back to Dili. I was hidden in the back of a truck, as it was thought I would be safe from the military checkpoints throughout the countryside. Soldiers often took bribes at these checkpoints to supplement their fairly low incomes.

I went straight back to Dili, arriving there on about 16 or 17 February. I spoke to one of Bishop Belo's people, who spoke English. He told me that during the week I had been away, there had been gangs of what they had dubbed "ninjas" — groups of people who go around at night terrorizing people in Dili. They did not know who these "ninjas" were. The military kept saying that there were no "ninjas" in Dili. I actually saw an article in an Indonesian paper that said, in English - "No ninjas in Dili". However, the Timorese had managed to capture some of these "ninjas", and it was found that they were actually Red Beret commandos imported from West Timor, which is Indonesian. These commandos were dressing up as civilians, going around at night and attacking people.

The people they were targeting were often those thought by Indonesians to be FRETILIN sympathizers. Bishop Belo was at the Governor's house that night, trying to argue with him to stop the "ninja" raids, because in one of these raids one person had been decapitated. The Timorese wanted to bury the body, but the head had not been found, and they wanted it back. During the week I was in Suai, I was told by a number of people that a whole street had been burnt down and 15 people had been burnt to death. I met with Bishop Belo that night, and he decided to send me to a village in the east called Lospalos.

I had two letters of authority given to me by the police and military officials and a letter of authorization from Bishop Belo stating that I was a health-care worker working for the Church and that I was to be given freedom to move and to do whatever I could. On arriving in Lospalos, I learned that the Canadian Ambassador had also gone there from Suai. This may have led the military to believe that I was a journalist, because I seemed to be following the Ambassador around. I met up with the Canadian party again and spent some more time with them.

I arrived in Lospalos on about 17 February. I was sent to a school run by Salesian brothers and priests, who

were training about 500 students. Their ages were not those of typical students, however. For various reasons, those in their final year of school were often 25 or more, because their families had not been able to afford to send them to school. In many cases, they had stayed in the fields and helped with the harvest.

I spent the remaining seven weeks of my two-month visa in Lospalos. For the first week, I was fairly low-key. I did not really do anything but just followed the Ambassador around, played with the children, or helped where I could. It was only after the Ambassador had departed that the military left. I was told by a clergyman who had been there for 15 years that the Indonesians used to talk about how the number of soldiers in Timor had decreased. He said that this was not true; they had simply changed uniforms. They now wore not fatigues but civilian clothes, and for that reason, he said, one had to be very careful of what one said to people. Because we were up in the mountains, most of the people knew each other. Once again I was told that I had to report to the police in Lospalos and that I could not do health-care work.

However, I still tried to help out where I could with my medical skills. The Indonesians had taken away a backpack of first- aid equipment that I had brought. The only thing they did not take away was my personal bag, which had limited equipment such as malaria tablets, a few antibiotics, a personal syringe and needles. That was the equipment that I used, but it did not go very far. Often I would go with the priests to outlying villages and help out where I could. I went to health-care centres and Government hospitals, which were empty, while in the villages, I saw people with tuberculosis, malaria, ear and eye infections, respiratory disorders and so on.

Once people knew that I was with the Church, they knew that I could be trusted. As soon as I was introduced as being a nurse, often I would immediately get five to 10 people lining up to see me. In one case, I think I had up to 80 people lining up wanting medical attention. People often begged me to help them, but I could not do much with the little equipment I had. I still have a shirt with bloodstains on it coughed up on me by a young woman in her thirties who had tuberculosis. I often would see emaciated people who, because they had tuberculosis, looked as if they were 50 or 60 years old when they were only in their 20s.

One case I remember was that of a young girl with an eye infection caused by mosquitoes. I became very frustrated and annoyed while trying to treat her, as I needed antibiotics. I knew exactly what was needed, so I went to an Indonesian Government-run hospital. When I arrived there, no doctors were present, but I was able to break into the pharmacy and get the things we needed. I signed for them and to charge the supplies to the Church. They would have cost about $2.50 in Australian currency. The girl's eyes did get better. The Indonesian hospitals had equipment, but the East Timorese people just did not feel safe going to them.

Other reports I heard included stories of pregnant women going to health-care clinics and being told by Indonesian doctors that they should have abortions or being given Depo-Provera injections. I did not see this but heard about it often. Telling a Timorese — the majority of whom are Catholic — something like this is inexcusable. In almost every village I went to, I met five or six women who said that they had been raped.

I saw many different medical or surgical problems in these eastern villages. When we were out of sight of the military, people would show me injuries that I could not explain, such as burns to the nasal septum or to the penis. I still really do not know what caused those injuries, but I saw a lot of these kinds of burns. They were larger and darker than cigarette burns, but I did not know whether it was from torture or something else.

Unusually shaped bruising on individuals' backs was also common. I could not attribute the cause of these bruises. Often I would play soccer with many children in East Timor, and, despite the heat, many would not take off their shirts, because of embarrassment about the scars on their backs, the result of torture that had been administered in the past. In the two months I was in East Timor I did not meet a single Timorese person who had not had a relative who had been tortured or killed while under the Indonesian occupation. I did not meet one Timorese person who could say that his or her family was intact. I went to many of the villages, and I saw many injuries that I just could not explain.

I never actually saw anyone being tortured while I was in East Timor. I only tried to treat people's problems that resulted from torture. I was later informed that the burn marks were caused when people were tied to metal beds. When tied to the bed frame, they had an electric current connected to the nasal septum, which, as it is a moist environment, is a good conductor. Another current was connected to the penis. That is what caused the burn injuries to both the penis and the nasal septum.

Another form of torture that I was told about involved people being put in barrels of water. The barrel was filled to just below the person's nose. The person could not talk and could not really breathe. This method did not leave any injuries or marks, so it was one that the Indonesians liked to use. I was told that it was frequently used to get confessions, or whatever else they liked to use it for.

In early March the Australian Ambassador and his party arrived. The Ambassador's name was Allan Taylor, and his First Secretary was Alistair Cox. They had a large entourage of Indonesian military following them. I informed the Australian diplomats how I had been prevented from doing any health care work. I got the impression straight away from the Ambassador that he did not even want to know who I was. One night I had a long debate with Alistair Cox after what I had told him about what I had seen and the fact that the Australian Government was not doing enough to help the Timorese people. It became apparent that they did not want to know what I had seen and that they wanted me to — in their words — "back off". Alistair Cox said "We would prefer that you did not speak to the media."

One of the main troubles that I noticed while in East Timor was the lack of freedom and of accurate and truthful information. Hardly any news ever gets out of the country. For example, I knew about the Santa Cruz massacre of November 1991, but I was told by the clergy that there had been another six massacres of equal magnitude since then. Of the further six massacres, I heard reports of survivors from the Santa Cruz massacre being taken to the hospital and then being stoned to death or given lethal injections. All this made me more determined to get the rolls of film I had taken in East Timor out of the country.

Throughout all the places I visited I would frequently see convoys of heavily armed police and military. Even in Dili, which is a quiet, sleepy little place where nothing ever really seems to happen, I was told that there was a significant military presence to keep the people in check. It made the people afraid to do anything. Every house had a number above it and a name, which was the name of the people who lived there, and the name of the official they had to report to. Apparently, every day someone from the military command would come out to the village and check the person off to make sure that he or she was still there. That was every village house I saw in the entire two months I was in East Timor.

I had complained about having a military escort follow me most of the time I was in East Timor. I was told by the military command that this was for my own safety, in case anything should happen. I knew that this was a joke, as no East Timorese person would ever have touched me. Everyone wanted to help me. So when the military commander said this, it was interpreted by my friends as a warning about what could happen. Perhaps a bullet out of the blue could be fired at me by the Indonesians, but the Indonesians would turn it around and say that it was the fault of FRETILIN. For the first month I was there I thought that I was going to be killed.

Often I would see soldiers moving around in the villages. It was not just one or two soldiers; there were military convoys. Often we would be driving along and would see three or four trucks of fully armed soldiers. When the Australian Ambassador was there he asked, at an official luncheon, how many combat troops were in Timor at the time. The military commander said that he could not give an answer and that he did not know. I found it very surprising that a military commander would not know how many soldiers he had in his battalion. He then went on to say that there were perhaps fewer than 100. Now, that had to be a mistake because in Lospalos alone there is a huge military base that had housing for at least 200 to 300 soldiers. We would be driving around, and we would often see military convoys full of heavily armed soldiers.

During my six weeks there I went to a village in the east, where I walked into a clearing and saw a young child being beaten. I had a feeling that I had walked straight into the middle of something. All that I knew about the child was that he was eight years old. I walked into this clearing, and the child was being hit with a rifle butt held by an Indonesian soldier. Half his face had been bashed in. There was a large crowd of people watching. Some of them were being held back. I imagine that these were his parents. I walked in and tried to stop the child being bashed by the soldier, and in the process I was hit in the back by the soldier with his rifle butt. It was after this incident that, for the second time, I had a gun pointed at me.

Just as quickly as it had happened, it all subsided. People withdrew, and the child was grabbed by someone and taken away. I tried to find out at the hospitals whether they had had any child brought in. I was told that an eight-year-old boy had come in, but that was all they would say to me. It was all hushed up. I do not remember much about the incident — I was dazed — but I do recall the child's eye virtually hanging out of his face. I could never find out any details, and I did not tell

the clergy because I was already aware of what a headache I was for them. But when I saw the child being beaten I had no hesitation in standing in front of these soldiers — not the slightest.

I had been to villages where women coughed blood up on me and where young children told of how they had been beaten in the past. Yet all of them had the same message: "Please help! They sometimes screamed at me, "Please help!" I could not walk away from that.

Finally, my two months was coming to a finish. I returned to Comoro, a suburb of Dili, where I stayed the last few days. I returned to Australia on 9 April 1995 with my films, the knowledge of what I had just lived through and, more important, my life.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Scheiner (East Timor Action Network took a place at the petitioners' table).

The Chairman: I call on Mr. Scheiner.

Mr. Scheiner (East Timor Action Network/United States): I am grateful to the Committee for taking the time to listen to me and the other petitioners.

I am the coordinator of the East Timor Action Network in the United States. I also represent the International Federation for East Timor, which is a non-governmental organization affiliated to the Department of Public Information. On behalf of that Federation, I want to thank Mr. Dmitrichev and his able staff for their help in facilitating the participation of groups members of the International Federation in today's meeting.

I should like to start by noting a positive development in yesterday's news — the release of Aung San Suu Kyi from house arrest in Myanmar. For several years, the State Law and Order Restoration Council (SLORC) has held President Soeharto up as a model to learn from. I hope that the Indonesian Government can follow Myanmar's example and free Xanana Gusmão and the other East Timorese political prisoners in Indonesia's jails.

Today I am addressing the Committee on behalf of the United States-based East Timor Action Network — a grass-roots movement formed late in 1991. I shall not repeat others' testimony, but will give the Committee some information on recent relevant developments in the United States. Although there is increasing awareness in the United States of the Indonesian military occupation in East Timor, the position of the United States Government is still in flux.

Last year the United States Congress continued its prohibition of international military education and training assistance for Indonesia — a ban that has been in effect since shortly after the 1991 Dili massacre. In addition, the Congress codified a State Department-initiated ban on public and private sales of small and light arms and riot-control equipment from the United States to Indonesia. In both cases the ongoing human rights violations in East Timor were the source of Congressional distress.

This year the United States Senate will probably expand the arms sales ban to include helicopter-mounted equipment. And, although there is a move in the House of Representatives to restore some United States training for Indonesian soldiers, that training would be limited to subjects like democracy, civilian control of the military and human rights.

As members of the Committee know, President Clinton joined President Soeharto and other regional Heads of State in Jakarta for the Asia-Pacific Economic Cooperation Summit Meeting last November. As 29 brave young East Timorese men focused world attention on their country by visiting the United States embassy, President Clinton said:

> "The position of the United States and the position that I have held since 1991, since long before I held this office, is that the people of East Timor should have more say over their own local affairs."

That is the clearest statement yet by an American President that the United States Government still questions Indonesian rule in East Timor.

In February 1995, the United States State Department issued its annual report on human rights in Indonesia. It called the country "strongly authoritarian", and stated:

> "The Government continued to commit serious human rights abuses and in some areas, notably freedom of expression, it became markedly more repressive, departing from a long-term trend towards greater openness. The most serious abuses included the continuing inability of the people to change their government and harsh repression of

East Timorese dissidents. Reports of extrajudicial killings declined. Security forces continued to torture those in custody: Some sources reported that the use of torture declined, but definitive statistics are not available. Extrajudicial arrests and detentions continued, as did the use of excessive violence in dealing with suspected criminals or perceived troublemakers. (*"Indonesia Human Rights Practices", United States State Department, 1 February 1995, lines 51-62*)

"On East Timor, no progress was made in accounting for the missing persons following the 1991 Dili incident, and troop levels remained unjustifiably high. (*ibid, lines 89-91*)

"Government efforts to account for the missing and dead from the 12 November 1991 military shooting of civilians in Dili, East Timor, remained inadequate. No additional cases of those still listed as missing in a report the military gave to Human Rights Watch/Asia were resolved during the year. Government spokesmen implied that their failure to locate those missing was primarily due to those persons wishing to evade detection. Many knowledgeable observers, however, continued to believe that most of the missing are dead and that some members of the armed forces know where their bodies are located." (*ibid., lines 184-193*)

The report goes on to detail torture, disappearances, press intimidation, religious harassment, and other violations of civil and human rights stemming from Indonesia's disputed and illegal military occupation.

This past February, a bipartisan group of nine Senators wrote to President Clinton saying:

"We believe that the United States relationship with Indonesia should enable us to effectively press our concerns with the Jakarta Government."

Members of the Congressional Human Rights Caucus from both parties sent a similar letter expressing concern about

"the lack of progress on human rights and the perpetual reports of torture and other serious abuses."

Some former United States officials are also expressing regrets. When questioned about East Timor earlier this year, former Secretary of State James Baker said:

"We made mistakes in our foreign policy, we made them in the past, we are making them now ...".

Assistant Secretary of State John Shattuck testified before Congress this past March that Washington was "very concerned" about a marked deterioration of the human rights situation in Indonesia, including the torture and killings of six East Timorese civilians at Liquica. Mr. Shattuck visited East Timor in April. Immediately after that visit he commented at a Jakarta news conference:

"The United States favours very strongly increased opportunity for the people of East Timor to participate in decisions affecting their own Government, and certainly opportunities in all areas, whether those be economic or political ...

"The issue of the presence of military troops in East Timor in a fairly substantial number is certainly a major concern about the process of addressing this human rights question."

Nevertheless, some members of the United States State Department, military and Congress are asking the United States to ease pressure on Indonesia over East Timor and are calling for the resumption of unrestricted weapons sales and military training. The debate remains in full swing in Washington, and Indonesia has a new leading advocate in the House of Representatives: Republican Sonny Callahan, who chairs the Appropriations Subcommittee on Foreign Operations. Perhaps it is pure coincidence that IPTN, Indonesia's leading aircraft company, is about to set up manufacturing operations in Mr. Callahan's district in Mobile, Alabama.

Although the East Timor Action Network cannot match Indonesia's lobbying tactics, we have been very active and have thousands of members in nearly all the 50 United States. The East Timor Action Network is encouraged by the efforts of the United Nations that lead to the all-inclusive intra-Timorese dialogue in Austria last month and with the recognition by that meeting that General Assembly resolution 37/30 still provides the framework for a solution. We were encouraged by the report of Special Rapporteur, Mr. Bacre Waly Ndiaye, and with the upcoming visit of High Commissioner José Ayala Lasso to East Timor. We urge the Government of

Indonesia to cooperate with this Special Committee, the Secretary-General and the Commission on Human Rights to work towards self-determination for the people of East Timor. Although the pace is sometimes very slow, the motion is in the right direction. We only hope that a solution can be reached before too many more disappearances, killings and arbitrary arrests occur.

Two days ago I was awakened by a telephone call from Dili, telling me of three East Timorese men who had not been seen since 30 June. The caller feared that they had been taken or possibly killed by Indonesian soldiers. The people of East Timor have already endured two decades too many of terror and death, and this Committee can play an essential part in ending their nightmare.

The year 1995 is a year of anniversaries. We celebrated a half-century of the United Nations last month and will celebrate a half-century of Indonesia's freedom from colonial domination next month. This December will mark 35 years since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples. After several decades of decolonization, it is unfortunate that this Committee still needs to exist, that Territories, including East Timor, have not been able to enjoy their legal and moral right to self-determination.

This December also marks 20 years of Indonesian invasion, occupation and genocide in East Timor. We hope that the United Nations, working with the people of East Timor and the Governments of Indonesia and Portugal, can end this injustice before another year passes.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Jill Sternberg (Coordinamento italiano dei gruppi di solidarietà con il popolo timorese) took a place at the petitioners' table.

The Chairman: I call on Ms. Sternberg.

Ms. Sternberg (Coordinamento italiano dei gruppi di solidarietà con il popolo timorese): My name is Jill Sternberg and I am petitioning the Committee on behalf of the Italian Coalition of Solidarity Groups with the East Timorese People. Founded in 1991, the Coordinamento is a coalition that includes non-governmental organizations, local groups and individuals engaged in supporting the East Timorese people's struggle for self-determination. The Coordinamento promotes information and awareness campaigns and solidarity projects.

The year 1995 is the twentieth anniversary of the Indonesian invasion of East Timor. During the past 20 years, more than 200,000 East Timorese people have died, killed by Indonesian arms, by starvation and by the troubles caused by the invasion. In an international context where some long-lasting conflicts have reached a solution, we think a pacific solution, respectful of the rights of the inhabitants of East Timor, can be found.

With regard to this, we think it right to point out that, in the context of the conflict between the Israeli State and the Palestinian people, new chances for peace were opened when direct talks between the Israeli Government and the leadership of the Palestine Liberation Organization were started. In the same way, in the context of the conflict between the British Government and the Catholic community in Northern Ireland, the cease-fire was reached when it became possible to open direct contact between the British Government and the Northern Irish Catholics represented by the Social Democratic and Labour Party and Sinn Fein.

Thus, we are worried by the constant violations of human rights perpetrated in East Timor by the Indonesian army and described in several reports by Amnesty International and, with regard to the Santa Cruz massacre, also by the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions. We ask that the right to self-determination of the people of East Timor, which is still formally a Territory under the sovereignty of Portugal subject to decolonization, be respected through the organization of a referendum monitored by United Nations representatives. This solution is also supported by the local Catholic Church. We also ask that a committee representing the resistance of the East Timorese people, embodied in the National Council of Maubere Resistance, also be admitted to the peace talks that are taking place within the United Nations between Portugal and Indonesia.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Vanessa Ramos (International Platform of Jurists for East Timor and American Association of Jurists) took a place at the petitioners' table.

The Chairman: I now call on Ms. Ramos.

Ms. Ramos (International Platform of Jurists for East Timor and the American Association of Jurists)

(*interpretation from Spanish*): The case of East Timor came to international attention after the Santa Cruz massacre of 12 November 1991. Recent events in East Timor confirm that since the 1975 occupation, the situation in the Territory has deteriorated and that Indonesian military forces have not hesitated to use indiscriminate violence against the civilian population and the national liberation movement.

United Nations involvement in implementing the right to self-determination of the people of East Timor is a *sine qua non*, as this is a not just a problem between Portugal and Indonesia but rather a colonial problem. We are now approaching the end of the International Decade for the Eradication of Colonialism, on the brink of the twenty-first century, and it is the job of this Committee to implement the Principles of the Magna Carta of decolonization: resolution 1514 (XV). Thus the United Nations must revive not just the letter, but the spirit of resolution 31/53 and Security Council resolutions 384 (1975) and 389 (1976), which recognize East Timor's right to self-determination and territorial integrity, appoint Portugal as the administering Power, condemn the 1975 invasion and call upon the Government of Indonesia to withdraw its army from the Territory.

Since last year, we have noted with interest a series of events that deserve the serious consideration of the Special Committee. Some of them are as follows.

East Timor was a major issue in discussions at the Conference of the Asia-Pacific Economic Cooperation, when on 12 November 1994 — the anniversary of the Santa Cruz massacre — Timorese students crossed the gates of the United States Embassy in Jakarta, asked to talk with President Clinton and called for the release of their leader Xanana Gusmão and other political prisoners. They also demanded recognition of the right to self-determination and a condemnation of the occupation.

Despite international pressure, there is no indication that the Government of Indonesia is reducing its military presence in East Timor. This is creating a source of fear and intimidation for the Timorese population in the face of the accelerated militarization of the Territory. This climate of terror became even more apparent with the arrival in Dili and in rural areas of the so-called "ninjas", or vigilantes, who are dedicated to terrorizing the population.

The process of the transmigration of peoples is continuing.

On 12 January, the Indonesian military murdered six Timorese civilians in the district of Liquica.

Despite these facts, the harsh reality is that these are not isolated acts, but that the Timorese people experience on a daily basis the cruelties of occupation. Many experts on international law have compared the invasion of Kuwait with the case of East Timor. Twenty years have passed, and the United Nations has not been able to implement its resolutions. Both cases share two similar aspects: a violation of international law and of the universal principle that recognizes the right of peoples to self-determination and independence, and the reaction of the United Nations — the party responsible for the protection of the principles condemning the forced and illegal annexation of another territory.

In the recent decision handed down by the International Court of Justice in the case of *Portugal v. Australia*, although the Court did not decide on the merits of the case, important declarations were made on the right to self-determination. In paragraph 29, the Court affirmed:

(spoke in English)

> "In the Court's view, Portugal's assertion that the right of peoples to self-determination, as it evolved from the Charter and from United Nations practice, has an *erga omnes* character is irreproachable".

(spoke in Spanish)

The Court also remarked as follows:

(spoke in English)

> "Moreover, the General Assembly, which reserves to itself the right to determine the Territories which have to be regarded as Non-Self-Governing for the purposes of the application of Chapter XI of the Charter, has treated East Timor as such a Territory. The competent subsidiary organs of the General Assembly have continued to treat East Timor as such to this day. Furthermore, the Security Council, in its resolutions 384 (1975) and 389 (1976), has expressly called for respect for 'the territorial integrity of East Timor as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV)'".

(spoke in Spanish)

Currently, despite all these vicissitudes, the Timorese people hope that their just cause will receive greater international attention. The report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Mr. Bacre Waly Ndiaye, has made a contribution to this, as have the meetings held under the auspices of the Secretary-General with representatives of Portugal and Indonesia, the Intra-East Timorese dialogue in Austria and the upcoming visit of the United Nations High Commissioner for Human Rights.

In his report, the Special Rapporteur recommends that a new investigation be conducted into the Santa Cruz massacre by "individuals of recognized independence, impartiality and expertise" *(E/CN.4/1995/61/Add.1, para. 79 (a))*. It also suggests that jurisdiction should be handed over to the ordinary civilian judiciary in order to ensure that the investigation will be impartial and transparent and to avoid interference on the part of the military. The report concludes that the deaths caused during that demonstration were part of a military operation planned and designed to repress public expression and political dissidence, which does not comply with international norms of human rights. Mr. Ndiaye characterized this demonstration as a peaceful demonstration by unarmed civilians.

In addition, the Conference held in Austria in June brought together almost the entire Timorese political spectrum. Although the basic problem — the resolution of the political status of East Timor — was not discussed, there were none the less some positive aspects. The Conference cleared the way for future talks among the Timorese people, and it issued an important declaration. The Burg Schlaining Declaration, adopted by consensus, reaffirms the need to take steps in the human rights and other areas to promote peace, justice and social harmony. It reaffirms the right of East Timor to social and cultural development and to the preservation of a cultural identity through the teaching of the Tetum and Portuguese languages. The participants acknowledged the importance of the negotiations between Portugal and Indonesia, held under the auspices of the Secretary-General, in easing the way towards a solution that is acceptable and in keeping with General Assembly resolution 37/30.

However, one should not forget that the basic problem is the occupation of and the pressing need to decolonize the Territory. We are concerned that the meetings initiated by the Secretary-General may become routine.

We propose that this Committee give due attention to the draft resolution proposed by the National Council for Maubere Resistance (CNMR). This draft resolution is reasonable and calls for talks among the Secretary-General, Portugal and Indonesia to establish a cease-fire, reduce the number of military personnel, release political prisoners and conduct a census. The transitional phase would conclude with an internationally monitored referendum.

In conclusion, any plan that is formulated must necessarily acknowledge the illegality of the invasion and implement all necessary measures to achieve decolonization. In accordance with the aforementioned, we would propose that in the short term, the specialized agencies step up their presence and continue the negotiations held under the auspices of the Secretary-General, and that Indonesia be urged to release all political prisoners and begin to withdraw its armed forces from the Territory.

We call upon the peoples of the first world to reconsider. No one can claim to be a champion of human rights and at the same time allow economic interests to prevail over justice and the fundamental rights of peoples.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Alyn Ware (East Timor Independence Committee) took a place at the petitioners' table.

The Chairman: I call on Mr. Ware.

Mr. Ware (East Timor Independence Committee): I am grateful for the opportunity to present the statement of the East Timor Independence Committee, of Auckland, Aotearoa, New Zealand, which includes appended comments by Tau Henare, an indigenous member of the Aotearoa, New Zealand, Parliament, and the deputy leader of the New Zealand First Party. Mr. Henare visited East Timor in 1994. Owing to time constraints I shall not read out these comments in their entirety, but will make them available in written form.

The East Timor Independence Committee, of Auckland, Aotearoa, New Zealand, is an organization of concerned individuals who support the right of the East Timorese people to self-determination. There has been an active voice in New Zealand on behalf of the East Timorese people since the time of the Indonesian invasion

of East Timor in 1975. The activities of our organization and of our sister groups such as the East Timor Independence Centre in Wellington have centred on raising public awareness of the situation of the people of East Timor and on lobbying our Government to take a stronger stand supporting the East Timorese people.

Since 1991 and the publicity surrounding the Dili massacre, in which a young New Zealand man, Kamal Bamadhaj, died, New Zealanders have become very concerned about the human rights situation in East Timor. In May 1994, 51 New Zealand Members of Parliament — and this represents a majority of Members of Parliament — from all political parties signed a petition to the Indonesian Ambassador in New Zealand. The petition called on Indonesia to address the human rights abuses in East Timor and expressed support for the East Timorese peoples' right to self-determination. Subsequently a five-person Parliamentary delegation visited East Timor and later expressed a common concern about human rights violations and the level of militarization in East Timor.

In February 1995, the results of an opinion poll conducted by NBR Consultants were widely reported. They showed that only 9 per cent of those questioned shared the official Government view that the occupation of East Timor is irreversible. According to the poll, 49 per cent of New Zealanders believe that New Zealand should advance the cause of independence for the East Timorese, and 33 per cent had no opinion on the issue.

We regret that, despite growing national support for a change in our Government's policy on East Timor, this has so far been limited to expressions of concern about human rights and support for the efforts of the United Nations in promoting ongoing talks between the Governments of Portugal and Indonesia. There is currently considerable opposition in New Zealand to a planned combined air exercise between Indonesia and New Zealand which is to take place this coming August. Our organization is linking the demand for our Government to pull out of this exercise to a demand for an end to all military links between Indonesia and New Zealand.

We have followed the recent United Nations-sponsored intra-Timorese talks held in Austria with great interest. We welcome the Burg Schlaining Declaration and especially the affirmation of the ongoing negotiations between the Governments of Portugal and Indonesia under the auspices of the Secretary-General with a view to finding a

> "just, comprehensive and internationally acceptable solution to the question of East Timor according to the provisions, letter and spirit of General Assembly resolution 37/30" *(A/AC.109/2026, para. 40)*.

We urge the Special Committee to take very careful note of the documentation presented to it by Amnesty International, by other human rights groups and by East Timorese in exile, which details the ongoing human rights abuses in East Timor, such as torture, involuntary disappearances, maltreatment of political prisoners and extrajudicial killings. The recent killing by the Indonesian military of 6 civilians in Liquica is but one example.

We look forward to strong resolutions for action on behalf of the inalienable right of the East Timor people to determine their own future.

I shall now summarize comments by Tau Henare, deputy leader of the New Zealand First Party and a member of the delegation to East Timor.

The dream of all indigenous nations is independence and self-determination. The indigenous soul of the East Timorese has been and will continue to be diminished by constant attack from the outside. The language, the faith or religion, history and social structures are undermined by the presence of the Indonesian military and Indonesian rule. Censorship, at times self-imposed, continues to silence the Timorese.

Colonization is best described as a process by which one group seeks to take over the economic base of another. The East Timorese are deprived in terms of jobs, the economy and their own culture. This is similar to how the Maori, the indigenous people of Aotearoa, New Zealand, must have felt at the turn of the century: the population was declining and the colonial forces were on the increase.

After 350 years of Portuguese rule and 20 years of Indonesian rule, the East Timorese deserve international assistance in their bid to discover their own nationhood. A 10-year programme of decolonization ending up in self-governance would be acceptable because it would not cause too much disruption in the short term. Decolonizing involves the rethinking of political, legal, economic and social institutions. The six foundation-stones which are necessary in every nation include language, law, values, education, health and an economic base, that is, land. Therefore, it is imperative that self-determination take the shape of possession of resources,

a living culture and a living language. East Timor's indigenous culture can be restored if the appropriate action is taken now.

Roger McLay made the suggestion that there could be an arrangement like the one that New Zealand has with the Cook Islands. The Cook Island population has New Zealand citizenship and rights of access to the educational and economic benefits of New Zealand. This type of situation is worth considering in the case of Timor, but the decision lies with the Timorese.

New Zealand ought to facilitate a process of decolonization. Direct talks between the East Timorese and the Indonesians must take place on an equal footing. The intimidatory tactics of the Indonesians must cease to be acceptable. New Zealand can afford to take a moral stand on this issue only if it is committed to criticizing the human rights records of other countries. The Indonesian Government is aware of New Zealand's record *vis-à-vis* with Maori people. It is inconsistent for us to take the moral high ground if we are not committed to a process of redress in our own country. It is worthwhile to consider the plight of Maori, Australian aboriginals, the Hawaiians and the Tahitians. The Pacific region is home to any number of indigenous nations. When will they be allowed to live as autonomous, self-determined peoples?

Why has New Zealand consistently taken an indifferent position on Timor? Selective morality has been consistently pervasive in Government policy. It is time for that country to take a stand. Human rights breaches are unacceptable in any country, including Aotearoa.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Thomas Mahedy (Pax Christi International) took a place at the petitioners' table.

The Chairman: I call on Mr. Mahedy.

Mr. Mahedy (Pax Christi International): Pax Christi International would like to thank the Chairman and members of the Special Committee for this opportunity to present an intervention on the question of East Timor. Pax Christi International, the international Catholic peace movement, appreciates the Committee's efforts in working with the interested parties to implement the Committee's mandates.

This year marks the fiftieth anniversary of Pax Christi. At a recent celebration, Pax Christi International made it clear that the human rights and right to self-determination of the people of East Timor continue to be a high priority.

The Universal Declaration of Human Rights, United Nations General Assembly resolution 1514 (XV) of 14 December 1960 and Security Council resolutions 384 (1975) and 389 (1976) provide a basis for working for human rights, especially the right to self-determination of the East Timorese people.

Pax Christi International supports all United Nations efforts, including the use of the Secretary-General's good offices, for achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor and its self-determination. United Nations investigative reports and recommendations can help provide mechanisms to prevent and inquire about human rights abuses against the Timorese people. But, to be effective, these international standards must be implemented.

The United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions reports from his July 1994 visit to East Timor that:

> "the conditions that allowed the Santa Cruz killings to occur are still present. In particular, the members of the security forces responsible for the abuses have not been held accountable and continue to enjoy virtual impunity." (*E/CN.4/1995/61/Add.1, para. 74*)

The Special Rapporteur strongly believes that no confidence- building measure can be effective and no solution to the problems facing East Timor found before justice has been done concerning the massacre.

The 12 detailed recommendations of the Special Rapporteur's report propose that the Indonesian Government take the following concrete steps: to invite the Working Group on Enforced or Involuntary Disappearances to carry out a mission in East Timor; to accede to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; to implement the recommendations of the Special Rapporteur's report from the November 1991 visit; drastically to reduce its military presence in East

Timor; and to encourage international and independent non-governmental organizations.

Non-governmental organizations like Amnesty International provide the present documentation of continuing and increasing human rights abuses by Indonesia against the East Timorese people in 1994 and 1995. Within East Timor, the head of the Roman Catholic Church continues to speak out against the killings, torture and arbitrary arrests. The Bishop of Dili favours a referendum on self-determination and has offered to mediate a series of dialogues between the different sides under United Nations supervision.

Events over the past year in East Timor and Indonesia have brought the East Timorese plight to world attention. While a long- term solution in East Timor is debated, initiatives can and must continue to provide a foundation for mechanisms to deal with self-determination issues. Such initiatives could and must include the honouring of commitments undertaken by the United Nations Commission on Human Rights; access to United Nations Special Rapporteurs, working groups and specialized agencies; freer access to East Timor for international and human rights groups; dialogue with Governments, non-governmental and intergovernmental organizations; reductions in military personnel; and implementation of all international human rights instruments. United Nations-sponsored dialogue should continue, but any serious proposal should and must include the Timorese people in the negotiations.

In closing, let us work together in open and courageous dialogue to establish mechanisms to respect the religious and cultural traditions of the East Timorese people and to protect their social, economic and political rights, especially their right to self-determination.

The petitioner withdrew.

The meeting rose at 6.10 p.m.